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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 12 July 2021

To: Members of the Planning Committee

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr DJ Findlay (Vice-Chairman)	Cllr SM Gibbens
Cllr CM Allen	Cllr L Hodgkins
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr RB Roberts
Cllr DS Cope	Cllr H Smith
Cllr WJ Crooks	Cllr BR Walker
Cllr REH Flemming	

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 20 JULY 2021** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

PLANNING COMMITTEE - 20 JULY 2021

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 29 June 2021.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

To report progress on any decisions delegated at the previous meeting.

7. 21/00290/OUT - 14 CHESTERFIELD WAY, BARWELL (Pages 5 - 16)

Application for residential development for four dwellings.

8. 21/00251/FUL - LAND EAST OF HIGHAM LANE, STOKE GOLDING (Pages 17 - 28)

Application for erection of building and change of use of land to form a dog day care facility.

9. 20/01324/CONDIT- 128 MAIN STREET, MARKFIELD (Pages 29 - 38)

Application for variation of conditions 2 and 4 of planning permission 14/01082/FUL, to remove the granite plinth from front elevations and the erection of canopies above front doors (Part retrospective).

10. 21/00130/FUL - THE ACORNS, 236 ASHBY ROAD (Pages 39 - 52)

Application for erection of two dwellings.

11. 20/00511/FUL - LAND OFF BEECH DRIVE, THORNTON (Pages 53 - 84)

Application for residential development of 49 dwellings with associated infrastructure, access and areas of open space.

12. 20/00191/FUL - PAYNES GARAGES, HINCKLEY (Pages 85 - 100)

Application for installation of 4x5 metre high lamp columns and associated lighting units

(retrospective).

13. 20/01293/FUL - LONG BARN, TOOLEY FARM, EARL SHILTON (Pages 101 - 112)

Application for conversion of barn into two dwellings.

14. 21/00466/HOU - 9 HORNBEAM ROAD, NEWBOLD VERDON (Pages 113 - 118)

Application for single story rear extension.

15. 21/00531/HYB- WOOD FARM, STANTON (Pages 119 - 164)

Application for hybrid application comprising of outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved except for access) and full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (revised scheme).

16. APPEALS PROGRESS (Pages 165 - 170)

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

29 JUNE 2021 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman
Cllr DJ Findlay – Vice-Chairman
Cllr CM Allen, Cllr RG Allen, Cllr CW Boothby, Cllr SL Bray, Cllr DS Cope,
Cllr WJ Crooks, Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens,
Cllr L Hodgkins, Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts, Cllr H Smith
and Cllr BR Walker

Also in attendance: Councillor DC Bill MBE and Councillor R Webber-Jones

Officers in attendance: Matthew Bowers, Rhiannon Hill, Helen Knott, Rebecca Owen, Michael Rice and Nicola Smith

55 MINUTES

It was moved by Councillor Bray, seconded by Councillor W Crooks and

RESOLVED – the minutes of the meeting held on 25 May be confirmed as a correct record.

56 DECLARATIONS OF INTEREST

Councillors Flemming, Lynch and Walker stated that they were members of Burbage Parish Council's Planning Committee when application 20/00531/HYB was considered but did not form a view or vote on the item.

Councillors Roberts and Smith stated they were members of Barwell Parish Council's Planning Committee when application 20/01172/REM was considered but did not form a view or vote on the item.

57 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued with the exception of application 20/00470/FUL which was subject to a S106 agreement.

58 21/00619/FUL - LAND NORTH OF NEOVIA LOGISTICS SERVICES (UK) LTD, PECKLETON LANE, DESFORD

Demolition of existing buildings and structures, erection of buildings for B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes, together with revised access from Peckleton Lane, associated hardstanding, landscaping, diversion of bridleway R119 and ancillary works (resubmission of 20/01009/FUL).

It was moved by Councillor R Allen and seconded by Councillor Boothby that permission be granted. Councillor Bray moved an amendment to add a condition to include a reduced height bund around the existing trees and to consider inclusion of a pedestrian crossing which was supported by the mover and seconder of the original motion and adopted as the substantive motion. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within six months of this resolution of a S106 agreement to secure the following obligations:
 - £464,625 towards Desford cross roads;
 - The provision of a bus service;
 - £11,337.50 for travel plan monitoring;
 - £7,500 for traffic regulation orders (weight restriction);
 - Provision of bus passes for six months;
 - b. The conditions contained within the officer's report and late items;
 - c. An additional or amended condition requiring reduction of the height of the bund around the existing trees.
- (ii) The Planning Manager be granted delegated authority to determine the final detail of planning conditions;
- (iii) The Planning Manager be granted delegated authority to determine the terms of the S106 agreement including trigger points and clawback periods;
- (iv) Officers be requested to contact Leicestershire County Council to discuss the appropriateness of a pedestrian refuge or crossing, the decision upon which be delegated to the Planning Manager.

59 20/00531/HYB - LAND EAST OF STRETTON CROFT, WOLVEY ROAD, BURBAGE

Full application for erection of a roadside services facility comprising a petrol filling station, drive through restaurant (class A1/A3/A5) with new vehicular access (via A5 Watling Street), together with internal roads, car/cycle parking, drainage works, earthworks, landscaping and other associated infrastructure. Outline application for erection of class B1 and flexbile class B1/B2/B8 units with access via the A5 (Watling Street) together with the construction of internal roads, vehicle and cycle parking, drainage works, earthworks, landscaping and other associated infrastructure (cross boundary application with Rugby Borough Council).

It was moved by Councillor Bray, seconded by Councillor Lynch and

RESOLVED –

- (i) Permission be granted subject to
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligations:
 - Ecological mitigation
 - £11,337.50 travel plan monitoring system
 - Appointment of a travel plan coordinator
 - Six month bus passes per employee
 - Travel pack.
 - b. The conditions contained in the officer's report;
- (ii) The Planning Manager be granted delegated authority to determine the final detail of planning conditions;
- (iii) The Planning Manager be granted delegated authority to determine the terms of the S106 agreement including trigger points and claw back periods.

60 20/01172/REM - LAND AT CRABTREE FARM, HINCKLEY ROAD, BARWELL

Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 18/00279/OUT for residential development of 25 dwellings.

It was moved by Councillor Bray, seconded by Councillor Flemming and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager be granted delegated authority to determine the final detail of the planning conditions;
- (iii) Any future application or variation on this site be brought to the Planning Committee.

61 21/00227/HOU - 29 WEST STREET, EARL SHILTON

Application for single storey extension at rear of house.

It was moved by Councillor R Allen, seconded by Councillor C Allen and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;

- (ii) The Planning Manager be granted delegated powers to determine the final detail of planning conditions.

62 APPEALS PROGRESS

Members received an update on progress in relation to various appeals. The report was noted.

(The Meeting closed at 7.44 pm)

CHAIRMAN

Planning Committee 20 July 2021
Report of the Planning Manager

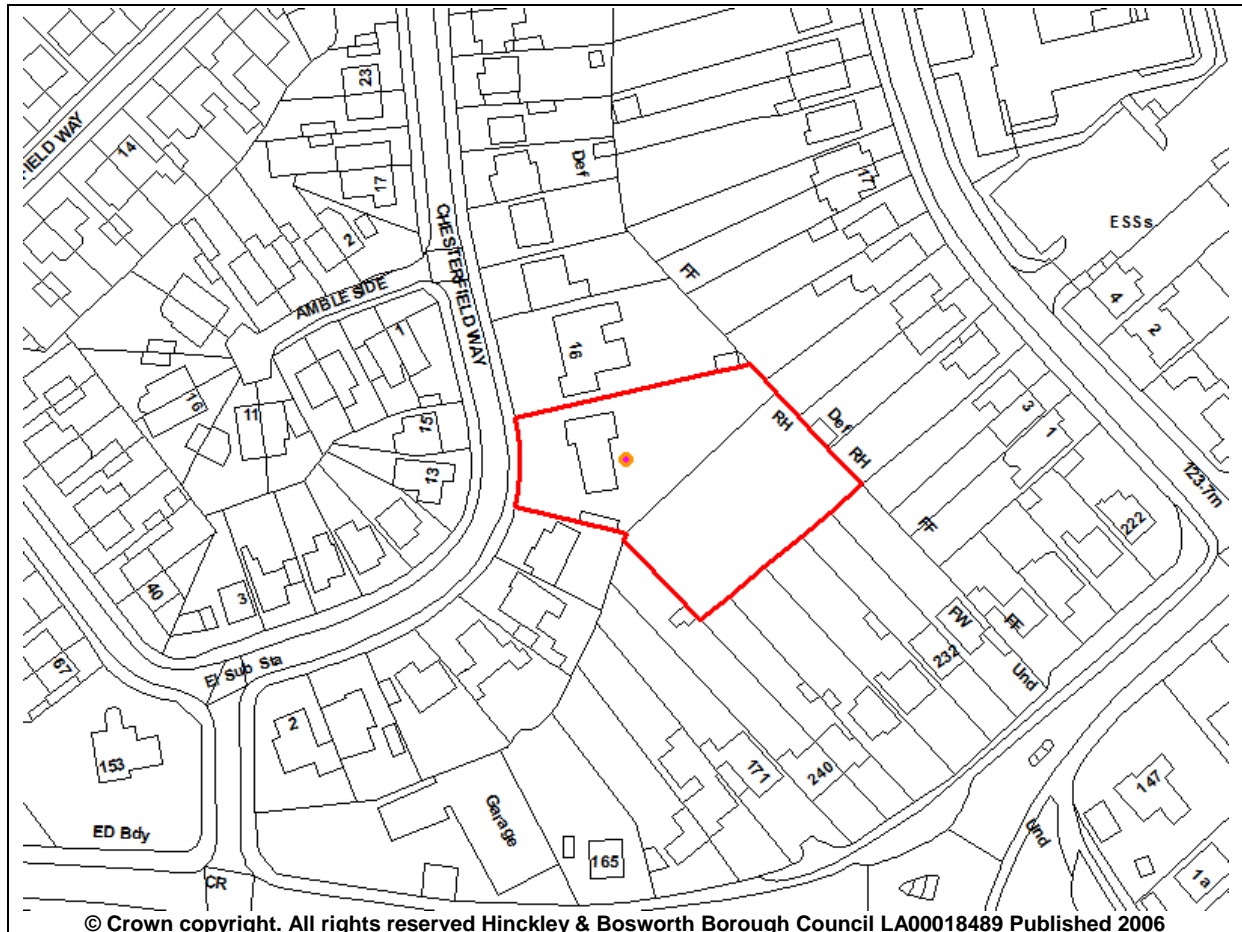
Planning Ref: 21/00290/OUT
Applicant: Mrs Ladkin
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 14 Chesterfield Way Barwell Leicester

Proposal: Residential development for four dwellings (Outline- access and scale)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- ### 2.1.
- The application seeks outline planning permission for 4 dwellings (with access and scale matters for consideration). The scheme comprises three dormer bungalows and a bungalow (2x4bed and 2x3bed) with a maximum ridge height of 6.57 metres. An indicative site plan has also been provided to indicate separation distances between the dwellings.

- 2.2. Access to the site is off Chesterfield Way to the side of number 14 and would involve the removal of the existing garage serving this property. The access width is 5 metres at the junction with Chesterfield Way, reducing to 4 metres further into the site. A bin collection point has been provided at the front of the site. Two off street parking spaces are proposed for each dwelling. Plot 4 contains a detached garage with a pitched roof measuring 4.1 metres in height.
- 2.3. This application is a resubmission of 20/00919/OUT which was an outline application for five dwellings comprising three dormer bungalows and two bungalows. This was refused on the grounds of *“having an adverse impact on neighbours due to the proximity of the new properties to the existing properties on Chesterfield Way, being detrimental to the character of the area and constituting over development contrary to policy DM10 of the SADMP.”*

3. Description of the site and surrounding area

- 3.1. The application site relates to an area of land to the rear of the garden of number 14 Chesterfield Way, a dormer bungalow. The site comprises mainly bramble scrub with a few trees. The site borders the rear gardens of neighbouring residential properties on Chesterfield Way, Hinckley Road and Belle Vue Road. The site is separated from these properties by boundary trees and fencing. The site is within the settlement boundary for Barwell. There is a mix of single storey and two storey properties in the area.

4. Relevant planning history

20/00919/OUT

- Residential development for five dwellings (Outline- access and scale)
Refused
16.03.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. As a result of the public consultation there have been objections from 3 separate addresses and a petition containing 47 signatures raising objections to the proposal on the following grounds:

- 1) Issues of wildlife and concerns that habitat is being disturbed
- 2) The piece of land is not big enough
- 3) The proposed access is restricted
- 4) Loss of privacy and overlooking
- 5) Overbearing impact
- 6) Detrimental effect on well-established trees
- 7) Increased concerns for vehicle safety along Chesterfield Way
- 8) The access width is not wide enough for emergency vehicles or for 2 vehicles to pass
- 9) The development does not provide any economic, social or environmental benefits
- 10) The development is at odds with the area and does not protect the natural beauty, intrinsic value and open character of the area
- 11) Adverse effect on the water course and natural run off causing flooding to certain houses
- 12) Intrusive and unnecessary light pollution
- 13) Refuse bin area and hedge will restrict visibility for cars and pedestrians
- 14) The development will cause an eyesore through litter and not being cleaned as the road will not be adopted
- 15) Refuse bins left all over the road

16) Noise and light pollution

6. Consultation

6.1. No objection has been received from:

- LCC Highways
- LCC Ecology
- HBBC Environmental Services (Drainage)
- HBBC Environmental Services (Pollution)
- HBBC Waste (Streetscene Services)

6.2. Barwell Parish Council objects to the application on the following grounds:

- 1) Detrimental to neighbouring properties and overdeveloped
- 2) Inadequate parking, road safety due to no turning circle, potential hazard for any emergency vehicles needing to access the site
- 3) Dangerous for vehicles to reverse onto Chesterfield Way due to the bend in the road and the number of vehicles parked in front of residents houses

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)

- Policy 22: Development and Design

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 19: Green Space and Play Provision

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Infrastructure Contributions
- Planning balance

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014), the adopted Core Strategy (2009) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Barwell is identified as an area for growth within Policy 3 of the Core Strategy which supports development within settlement boundaries.
- 8.5 On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply.
- 8.6 Notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.7 This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.8 The site is within the settlement boundary for Barwell and has good access to public transport and local services. Barwell is considered to be a key urban area for growth as set out in the Core Strategy. The principle of the development is therefore acceptable subject to other material considerations being satisfactorily addressed.
- Design and impact upon the character of the area
- 8.9 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.10 Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors if there is no detriment to the character or appearance of the host building or the surrounding area, the siting and density respects the character and layout of the area. The design needs to respect the scale, proportions and height of the neighbouring structures and overall street scene.
- 8.11 The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over densification of the land, leading to a loss of character.
- 8.12 The site is currently scrubland and is surrounded on all sides by residential properties and bound from these properties by trees and fencing. The proposed development will therefore introduce built form in to an otherwise unbuilt area of land albeit set within an urban context. Whilst there are no other examples of development at depth in the immediate area, the site is surrounded on all sides by existing residential development therefore it is not considered residential development of the site would be detrimental to the character of the area on that basis.
- 8.13 This side of Chesterfield Way is mainly characterised by bungalows or dormer bungalows. The scale of the proposed dwellings are also dormer bungalow or bungalow height with a maximum ridge height of 6.5 metres and a minimum ridge height of 5 metres. This will allow the properties to be less prominent in the street and more in keeping with the existing character of the area, when viewed from Chesterfield Way. Although appearance is not a matter for consideration the design of the dwellings shown on the indicative plans are traditional in style and in keeping with the surrounding properties. Further details on the materials and the finish of the dwellings are for consideration at the reserved matters stage.
- 8.14 The properties on Chesterfield Way are mainly characterised as bungalows or dormer bungalows with relatively small rear garden areas. The character changes to the rear of the site with larger two storey properties on Hinckley Road and Belle Vue Road set on larger plots. The site can comfortably accommodate four dwellings with the rear garden sizes all above the minimum recommended 80 square metres of amenity space set out in the Good Design Guide SPD for dwellings of three or more dwellings. The garden sizes are also reflective of the garden sizes to the existing properties on Chesterfield Way.

- 8.15 The indicative layout shows three dwellings set out in a row facing the fourth dwelling. The formal layout allows the properties to have a connection with each other and provides a layout that is similar to the properties along Chesterfield Way that are set along a formal building line. Therefore, the indicative plan demonstrates that the site can accommodate the quantum of development without disrupting the prevailing pattern of development.
- 8.16 The use of the existing access accords with the Good Design Guide SPD, which seeks to avoid puncturing the character of the streetscene to provide access. The use of this access maintains the existing streetscene from Chesterfield Way albeit there would be the demolition of an existing garage. However, this appears as a later addition to the host dwelling, its demolition would not alter the spacing between dwellings that characterises the area.
- 8.17 Subject to satisfactory details being received at the reserved matters stage the proposal is likely to have a minimal visual impact on the character of the area in compliance with policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.
- Impact upon residential amenity
- 8.18 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19 Policy 22 of the ESBAAP outlines that development will be permitted amongst other factors providing the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.20 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. It recommends a minimum garden length of 7 metres.
- 8.21 Concerns have been raised over the proximity of the dwellings to the rear boundary having an over dominant impact on the rear gardens of the properties to the rear. The indicative layout demonstrates that all of the properties could provide the minimum garden length of 7 metres to their rear boundaries to ensure a minimum impact on overlooking to neighbouring properties from upper floor windows. In addition the neighbouring properties to the rear on Hinckley Road and Belle Vue Road have long rear gardens so any impact on these properties from the proposal would be minimal. The neighbouring property at number 12 Chesterfield Way has a smaller garden so is located closer to the proposal however plot 4 does not directly face the rear of this neighbour and is set over the minimum recommended distance of 7 metres from the boundary with this neighbour. Overall the scale combined with the quantum of development means the overbearing impact and potential for overlooking and loss of privacy to neighbouring properties would be minimal.
- 8.22 The indicative layout demonstrates that the minimum recommended garden sizes can be achieved. However, given the likely depth of the proposed gardens and the density of the proposal, it is recommended that permitted development rights are removed by way of a condition attached to any consent given. Whilst the proposal would result in the loss of a small amount of amenity space to the host property at number 14 Chesterfield Way this property has a reasonably sized garden and will retain in excess of 100sq metres of amenity space in accordance with the Good Design Guide SPD.
- 8.23 The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject

to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP, policy 22 of the ESBAAP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.24 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.25 Paragraph 109 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.26 The site would be accessed via an existing access off Chesterfield Way which is an adopted road subject to a 30mph speed limit. The proposed internal layout will not be offered for adoption and a bin collection point is proposed at the front of the site. The access width is 5 metres, changing to 4 metres further into the site. The Local Highway Authority (LHA) is satisfied the access width is suitable to accommodate the number of dwellings proposed. Whilst the access is on a bend it is not a tight bend and vehicular speeds on this road are low. The LHA do not have any concerns that the required visibility splays as set out in table DG4 of the Leicestershire Highways Design Guide cannot be achieved. Whilst the bin collection point is to the front there is suitable space for this to be accommodated whilst also achieving the 2mx2m pedestrian visibility splays, and the LHA recommend this can be secured via a condition.
- 8.27 One personal injury collision has been recorded in the locality of the application site in the last five years, and this was classified as slight in severity.
- 8.28 The indicative layout shows two parking spaces per dwelling with plot 4 having a third space in the garage. Visitor parking is also shown at the front of the dwellings. The parking layout is considered to be acceptable with amount of parking for the size of the dwellings given they are in a sustainable location. Suitable turning space is also provided within the site.
- 8.29 A small part of the host dwellings driveway will be lost to the development in addition to the loss of the garage. However the garage is not large enough to fit modern standards to park a car inside of it and the host dwelling has a large front driveway that would still be able to retain three off street parking spaces to the front, which is acceptable.
- 8.30 The access width onto Chesterfield Way is 5 metres; this narrows to 4 metres further into the site. Concerns have been raised in some of the objections that this is not wide enough for emergency vehicles to access the site. This is not the case as 4 metres is a suitable width for wider vehicles to enter the site with sufficient turning space for wider vehicles also provided within the site.
- 8.31 Overall the proposal would have a minimal impact on parking and highway safety in compliance with paragraph 109 of the NPPF and policies DM17 and DM18 of the SADMP.

Drainage

- 8.32 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.33 The site is located within flood zone 1 indicating a low risk of surface water flooding. Concerns have been raised over the increase risk of flooding from the development.

The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS) shall be submitted to and approved by the local planning authority prior to commencement. It is considered this condition is reasonable to reduce flood risk and drainage issues on the site in compliance with policy DM7 of the SADMP.

Ecology

- 8.34 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.35 Concerns have been raised in the objections over the loss of wildlife as a result of the development. Leicestershire County Council Ecology section has been consulted on the application. They are satisfied with the results of the survey that was submitted with the original application 20/00919/OUT which found no evidence of bats or protected species on the site. They were in agreement that the demolition of the garage has negligible or low bat potential. No further survey work or ecological mitigation is required.
- 8.36 Leicestershire County Council Ecology outlined that there are reports of hedgehog being present in the area, and although this species' habitat is not protected by law, it is a UK priority species. They recommend that if close-board fencing is to be erected as part of the scheme, then hedgehog highways should be provided through the site. Given the application is outline for access and scale only it is unclear at this stage if any new fencing is being provided. Details of boundary treatment will be assessed at the reserved matters stage therefore a condition regarding the details of the boundary treatment can include details of hedgehog highways, should new fencing be provided.
- 8.37 Notwithstanding the above, LCC Ecology recommends that the proposal should provide a net gain in biodiversity. There would be some loss of habitat through tree and scrub removal, some of which has already occurred, however this habitat is locally common and of low ecological value. Its removal is acceptable subject to compensation through appropriate replacement planting. This should be required as a condition as part of an ecological management plan. As landscaping is a matter reserved for consideration it is considered reasonable this should be a matter dealt with at the reserved matters stage. However the extra enhancement measures suggested in the ecology report including bat and bird boxes that would provide a net gain in biodiversity can be added as a condition to any consent granted.
- 8.38 Subject to the above recommended measures the proposal would have a minimal impact on ecology in compliance with policy DM6 of the SADMP.

Infrastructure Contributions

- 8.39 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.40 However, in this case the proposal is for only four additional dwellings, of a modest size which would not have any significant impact on the quality of the existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Planning balance

- 8.41 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.42 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11d of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

Other matters

- 8.43 Collection points for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The site lies within the settlement boundary for Barwell, a sustainable location which supports new residential development within the settlement boundary. The principle of the development is therefore acceptable in compliance with Core Strategy policy 3.
- 10.2. The development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area. The indicative layout demonstrates that development could be accommodated without having an adverse

impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway on Chesterfield Way is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal would have a minimal impact on drainage and ecology subject to suitable conditions. The proposal is therefore considered to comply with Site Allocations Management and Development DPD policies DM6, DM7, DM10, DM17 and DM18.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard boundary treatments including hedgehog highways and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site location plan Drg No. 16 97 received 1st March 2021

Proposed access Drg No. 16 97 05 received 1st March 2021

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Details of the existing and proposed ground levels of the site shall be submitted with the reserved matters application. The development shall then be implemented in accordance with these details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 4.25 metres for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 7.3 metre dropped crossing (8 dropped kerbs). The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as 2.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

8. The development shall provide 2x bat and bird boxes located in a suitable position on each dwelling, as recommended within the opportunities for biodiversity gain measures set out in the ecological appraisal received 7th September 2020.

Reason: In order to provide a net gain in biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without

modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. Vegetation clearance works must either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

Lane. In the current application, the proposed outbuilding is located in the south east corner of the application site.

- 2.3. The reason for the refusal of ref. 20/00570/FUL is outlined below:
- 2.4. *“By virtue of its nature and siting, the proposed development would constitute a form of uncharacteristic development in this countryside location of Stoke Golding, which would have a visually intrusive and adverse impact upon the intrinsic value, tranquillity and verdant character of the surrounding agrarian landscape. No reasonable justification for the change of use and outbuilding in the location proposed has been provided and as such the proposal would represent un-justified harm to the countryside contrary to Policy DM4 and DM10 of the SADMP and the overarching principles of the NPPF.”*
- 2.5. The applicant’s appeal against this refusal was dismissed by the Planning Inspectorate under ref. APP/K2420/W/20/3258978 for the following reasons:
- 2.6. *“The appellant suggests that, as the landowner would rent the field to the appellant and continue to harvest a crop from it each year, the additional income for the landowner from rental represents diversification of a rural business. However, other than the landowner’s name and address and noting that the only other land edged blue around the site is the other half of the field, I have not been provided with any details regarding the landowner’s business. Consequently, I am not able to conclude that the proposal constitutes diversification of a rural business. As such, the proposal does not satisfy development referred to in point ‘c’ of Policy DM4”.*
- 2.7. *“The proposal would introduce built form where there is currently none. With regard to layout, the building would be sited close to Higham Lane, where it would be highly visible. I consider the combination of a new building, its siting, the parking of up to 4 cars in the field and the proposed activity/use, would significantly harm the tranquil, open character and appearance of the site, thereby eroding part of the intrinsic value and beauty of the countryside.”*
- 2.8. *“With regard to local and national planning policies, I conclude that the location would not be suitable for the proposal as it would significantly harm the character and appearance of the open countryside. As such, the proposal does not accord with policies DM4 and DM10 of the SADMP or paragraph 9 and sub paragraphs 127 (c) and 170 (b) of the Framework. Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open countryside, only allowing development that is sympathetic to, compliments or enhances local character.”*
- 2.9. The current application seeks to overcome the previous reasons for refusal outlined above.

3. Description of the site and surrounding area

- 3.1. The application site comprises an open piece of agricultural land outside of the Stoke Golding settlement boundary. The wider field it sits within is sited east of Higham Lane, running parallel with the Ashby Canal. The wider area has a tranquil character comprising open fields bounded by sparse hedges, trees and timber post and wire/horizontal rail fences, as described in Stoke Golding’s Landscape Character Appraisal (Hinckley and Bosworth Landscape Character Assessment, 2017). There are a small number of dwellings, farmsteads, agricultural buildings and equestrian facilities scattered across the area. Having visited the site on multiple occasions, there is no evidence of existing agricultural buildings on the land. Very few outbuildings are sited on neighbouring fields surrounding the site. There is however dog training equipment on the land, in connection with the applicant’s existing business: Nilz & Harley Pet Services. The field is currently

rented out by the applicant Monday-Friday. The land is therefore currently being used unlawfully for commercial use used by applicant. This issue is currently under enforcement investigation.

4. Relevant planning history

20/00030/PP

- Erection of building and change of use of land to form a dog day care facility
Appeal dismissed
18.02.2021

18/01202/FUL

- Erection of a steel frame barn for the purposes of agriculture and to provide a dog day care facility
Withdrawn
30.01.2019

19/00225/GDO

- Agricultural storage building
Prior Approval Refused
22.03.2019

19/00415/GDO

- Agricultural storage building
Prior Approval Refused
10.05.2019

19/00563/FUL

- Agricultural building
Planning permission refused
31.07.2019

20/00570/FUL

- Erection of building and change of use of land to form a dog day care facility
Planning permission refused
18.08.2020

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. 18 letters of support have been received for the following reasons:

- 1) The applicant runs a successful, reliable and professional business
- 2) The field is isolated so activities related to the business would not cause disturbance
- 3) The field is safe and secure for the dogs
- 4) Small businesses should be supported
- 5) The development would be screened from the highway by hedgerows
- 6) Similar development has been allowed in the area
- 7) Dog kennels are permitted in the countryside so why should a dog day care facility not be
- 8) The building and surrounding land is suitable and necessary for the business
- 9) No harm caused to the land or the surrounding area

- 10) Refusing development would damage the business
 - 11) Approving would encourage the business' growth
 - 12) The countryside is a suitable location for the development
 - 13) There is an increasing local need for the development
 - 14) The development would be very close to a small holding that has a number of outbuildings and barns on its land so would be read in this context
- 5.3. 4 letters of objection has been received raising the following concerns:
- 1) The current application does not overcome previous issues
 - 2) Dog day care facilities already exist elsewhere
 - 3) The development would have ecology implications
 - 4) The development would completely change the nature of the existing field
 - 5) Adjacent to a blind bridge which is subject to frequent collisions
 - 6) The site is within a National Trust tourist area
 - 7) The proposed built form would be at odds with the application site's open character
 - 8) The development would have an intrusive and adverse impact upon the verdant and tranquil character of the surrounding landscape
 - 9) A building in beautiful open countryside would be inappropriate
- 6. Consultation**
- 6.1. No objections have been received from:
- HBBC Pollution Environmental Health
 - HBBC Waste
 - Ramblers Association
 - LCC Ecology subject to conditions related to a vegetation buffer and measures to mitigate impact upon Great Crested Newts
 - LCC Highways subject to conditions related to access, parking and turning and vehicular obstructions
- 7. Policy**
- 7.1. Core Strategy (2009)
- None relevant.
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Hinckley and Bosworth Landscape Character Assessment (2017)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking standards
- Ecology
- Planning balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF (2019) also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF (2019) states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM4 of the adopted SADMP is the most important development plan policy to consider when determining the current application. It states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. Criterion 'C' of the policy specifies that new development in the countryside is considered sustainable where it significantly contributes to economic growth, job creation and/or diversification of rural businesses. Should proposed development be considered sustainable development in the countryside in accordance with Policy DM4 this is acceptable in principle subject to there being no significant adverse impact upon the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.5. The policy goes on to suggest that a rural enterprise can entail a variety of activities which can all contribute to job creation and economic growth, including but not exclusively, uses related to agriculture, tourism, business and community uses.
- 8.6. Notwithstanding, policies within the Local Planning Authority's (LPA) development plan are considered to be out-of-date. The settlement boundaries it defines focus on delivery of a lower number of housing than that required by the up-to-date figure. Paragraph 11 (d) of the NPPF (2019) states that where the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2019) taken as a whole. Therefore a tilted balance in favour of development is engaged and development in this instance should be approved unless adverse impacts would outweigh the benefits of the proposal.
- 8.7. Paragraph 83 of the NPPF (2019) states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also states that planning policies and decisions should enable development and diversification of agricultural and other land-based rural businesses.
- 8.8. Notwithstanding the policy being out of date, it is considered that Policy DM4 as per paragraphs 7.7 and 7.8 of this report is still consistent with the spirit and objectives

of the NPPF in terms of supporting a prosperous rural economy and in this regard still carries significant weight in the assessment of the current planning application.

- 8.9. The applicant part-retrospectively proposes to change the use of the application site from agricultural to commercial use. Permission is sought to use the application site to run his existing dog day care business from. This would include the erection of an outbuilding to provide an area of shelter. Up to 16 dogs at any one time would use the facility, which the applicant's business is licensed for. The land subject to the current application is owned by the owner of Mulberry Farm.
- 8.10. The business would run from the site between the hours of 9.30am to 4pm Monday to Saturday, and occasional use on Sunday between 10am - 4pm. During the hours of operation the dogs would not be left unattended. A strict assessment protocol is conducted before any dogs are registered for day care to ensure that they are suitably socialised and have no underlining behavioural issues.
- 8.11. In the assessment against strategic planning policies under 20/00570/FUL, the following conclusion was made:
- 8.12. *"Insufficient information has been provided to demonstrate that the quantum of development proposed would lead to the significant expansion of a business currently ran off site or significant diversification of an existing farm business that the application site forms part of. It is not proposed that the development would lead to expansion of employee numbers.*
- It is therefore considered that the proposed development fails to demonstrate acceptable development that would be in accordance with Policy DM4 of the SADMP and the principle of sustainable development cannot be established in this instance."*
- 8.13. In the Planning Inspectorate's dismissal of ref. APP/K2420/W/20/3258978, the following was observed:
- 8.14. *"The appellant suggests that, as the landowner would rent the field to the appellant and continue to harvest a crop from it each year, the additional income for the landowner from rental represents diversification of a rural business. However, other than the landowner's name and address and noting that the only other land edged blue around the site is the other half of the field, I have not been provided with any details regarding the landowner's business. Consequently, I am not able to conclude that the proposal constitutes diversification of a rural business. As such, the proposal does not satisfy development referred to in point 'c' of Policy DM4."*
- 8.15. The applicant has responded to the Planning Inspectorate's conclusions in their submitted "Design, Access & Planning Statement", stating that the owner of the application site is identified on the submitted application form and "runs a long established agricultural enterprise and the formal agreement between the landowner and the applicant will be supplied to the LPA on a confidential basis as it contains private financial details".
- 8.16. In addition, in an email sent to the LPA on 28.04.2021 from the applicant's planning agent, it is stated:
- 8.17. *"[The land owner] is a well-known and established farmer in the area (confirmed with the approval of application 19/01078/FUL) and the applicants pay rent on the field and the lease agreement can be provided to the LPA obviously on a confidential basis for the avoidance of doubt. Plus as already documented, the field provides a hay crop each year that is used by Anne Morris in her wider agricultural activities within the area. It is considered the submission of the lease agreement is a material consideration capable of addressing point "c" of Policy DM4 and alongside the amended location of the building, the resubmission is capable of*

officer support having regard to local and national planning policies and the issues raised by the Inspector.”

- 8.18. Furthermore, an email from the applicant's agent dated 17.05.2021 states that *“members of the committee will be well aware of the longstanding agricultural activities undertaken by [the land owner] in and around Stoke Golding based at Mulberry Farm and the LPA would not have approved application 19/01078/FUL were this not the case”*.
- 8.19. The applicant has not been forthcoming with a copy of the lease agreement between themselves and the land owner. It is the applicant's responsibility to provide sufficient relevant evidence to the LPA that can be used in the LPA's consideration of the application. Notwithstanding, it is not considered that evidence of a lease agreement would necessarily provide all “details regarding the landowner's business” that the Planning Inspectorate believed to be lacking in order to satisfy Policy DM4 of the SADMP.
- 8.20. 19/01078/FUL relates to permission granted by the LPA for an agricultural building on Land North West of Wykin Fields Farm Stoke Lane, Wykin. The land owner of the current application site declared themselves the owner of this land as per the approved application form. 19/01078/FUL was accompanied by a supporting statement, received by the LPA on 22.11.2019. Prior to approval, the statement explains that rather than in connection with Mulberry Farm, the application site was used for sheep grazing in connection with Wishing Well Farm (owned by the land owner's son). An agricultural building on the application site was required so that the sheep did not have to be transported back to Wishing Well Farm every time they needed dagging, sheering, worming etc. No great detail was therefore provided in relation to Mulberry Farm. Instead it was stated, “Anne Morris currently resides at Mulberry Farm where there are a number of buildings but she has been notified that this is likely to be sold in the near future and she will have to move out so long term these buildings are not a viable option”.
- 8.21. In the instance of 19/01078/FUL, the proposal was considered to support the ethos of Paragraph 83 of the NPPF (2019).
- 8.22. Notwithstanding, each application is considered upon its own merits. The proposal under 19/01078/FUL was for a different site, different development, and little information regarding the land owner's farming enterprise was provided.
- 8.23. It is acknowledged that small scale rural diversification can benefit local communities and services. However, the current application is not supported by any business plan which provides detail on the farming enterprise that the proposed ‘rural diversification’ would support. Notwithstanding the suggestion of Mulberry Farm being sold on under 19/01078/FUL, information regarding the farm's existing profile, activities, assets or operations has not been provided. Evidence of the application site being registered as part of a wider agricultural holding with the main business as agriculture has neither been provided. The current submission is therefore unclear as to why the additional rental income from the proposed change of use and ‘diversification’ is necessary for the needs of the existing farming business and how this fits into the future of the enterprise. It is also noted that the site location plan submitted in the current application has not been altered from previous, despite the Planning Inspectorate highlighting that this plan fails to demonstrate the scale of the farming enterprise.
- 8.24. Overall it is considered that since 20/00570/FUL and APP/K2420/W/20/3258978, no convincing or sufficient evidence has been provided to address and overcome the in principle concerns previously raised by both the LPA and the Planning Inspectorate. The LPA is therefore once more unable to conclude that the proposed

change of use would constitute diversification of a rural business .It has not been sufficiently demonstrated that the proposal represents sustainable growth and expansion of a business in a rural area as per paragraph 83 of the NPPF (2019). It is therefore considered that the proposal would not satisfy Policy DM4 of the SADMP in regards to criterion 'C'.

Design and impact upon the character of the area

- 8.25. Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area and that the use and application of building materials respects the local area generally
- 8.26. Paragraph 127 (c) of the NPPF (2019) states that decisions should ensure developments are sympathetic to local character, including the surrounding built environment and landscape setting.
- 8.27. Paragraph 170 (b) of the NPPF (2019) states that decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside.
- 8.28. The proposed development includes the erection of a large scale outbuilding on the application site to support the dog day care facility. The outbuilding would have a simple metal box profile with dual pitched roof. It would be coated in juniper green plastisol and would measure 13.7 metres in width (approx.) and 9.1 metres in depth (approx.). The single entrance into the building would feature a shallow canopy over.
- 8.29. The building would measure approximately 3.7 metres up to its ridge and 2.4 metres to its eaves. It is not considered that the building would have any architectural merit in a sensitive landscape by virtue of its utilitarian design and appearance. The 125sqm (approx.) footprint is not considered substantial in the context of the overall application site. Previously under 19/01078/FUL the proposed outbuilding was to be located alongside the western boundary of the application site adjacent to the adopted highway. It was considered that the building would have appeared extremely prominent in an area characterised by limited built form and uninterrupted views of the countryside to the east of Higham Lane. In the current application, it is proposed that the outbuilding would be located in the south east corner of the application site, set away from the highway boundary. It is considered that the proposed outbuilding would appear less prominent in this location and therefore would be acceptable in this regard. Notwithstanding, the proposed development would introduce built form into an agricultural field where there currently is none. As such, it is still considered that the outbuilding would disrupt the long distance and wide range views of the countryside beyond.
- 8.30. The proposed development also includes the change of use of the land. The land would provide an area of outdoor exercise space for dogs in the care of the applicant. Two parking spaces on site are proposed but detail of how these would be demarcated have not been provided by the applicant. As per the recommendations of the Local Highway Authority, this detail would be required via condition if permission were to be granted. Nevertheless, it would still be the case that the proposed commercial use of the land would inherently change the character of the surrounding tranquil and verdant landscape.
- 8.31. Notwithstanding the acceptable design and location of the proposed outbuilding, it is still considered that the combination of a new building and the proposed activity/use, would significantly harm the tranquil, open character and appearance of the site, thereby eroding part of the intrinsic value and beauty of the countryside

contrary to Policy DM4 and DM10 of the SADMP and the requirements of Paragraph 127 (c) and 170 (b) of the National Planning Policy Framework.

Impact upon neighbouring residential amenity

- 8.32. Policy DM10 of the SADMP states that proposals should not adversely affect the amenity of the occupiers of the neighbouring properties.
- 8.33. There are no residential dwellings considered to be in close proximity to the application site. As such, the proposed outbuilding would not have any overbearing impacts upon the private residential amenity of the nearest dwelling north or south west of the application site.
- 8.34. The hours of use for the proposed development would be 9.30am to 4pm Monday - Saturday and occasional use on Sunday between 10am - 4pm, which are not considered to be unsociable hours. The proposed development would accommodate the day care of up to 16 dogs at one time. No objections have been raised by HBBC Pollution in terms of the hours of operation or the potential noise implications of the proposed development.
- 8.35. Although running parallel to the public footpath adjacent to the southern boundary of the application site, no objections have been raised by the Ramblers Association in terms of harmful impact upon the enjoyment on the public footpath.
- 8.36. The proposed development would therefore satisfy Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.37. Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.38. The proposed development would be accessed via an existing gated entrance off Higham Lane, a classified C road. The gated farm entrance is one of a number of field accesses within the vicinity. Despite no changes being proposed to the current arrangements, the application fails to demonstrate an acceptable access in accordance with Leicestershire County Council guidance. Nevertheless, such details could be secured by condition and therefore a lack of information at present does not warrant the application's refusal on such grounds.
- 8.39. The application site will operate with one custom built van and one other vehicle when necessary. The applicant has stated the site will not be open to members of the public and would therefore not generate additional vehicle trips in this respect.
- 8.40. Thus, the applicant proposes parking within the application site for two vehicles, immediately inside the gated entrance. During the course of the application, LCC Highways were unsatisfied that the detail supplied to demonstrate this was sufficient to ensure that suitable parking and turning provision would be achieved to avoid the need for vehicles to reverse out on to Higham Lane. Nevertheless, such details could be secured by condition and therefore a lack of information at present does not warrant the application's refusal on such grounds.
- 8.41. Overall, the impacts of the development upon highway safety and the surrounding road network would not be unacceptable or severe. As such, the proposal is in

accordance with Policies DM17 and DM18 of the adopted SADMP and the wider policies of the NPPF.

Ecology

- 8.42. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.43. The application site comprises existing managed grassland, therefore no ecological surveys would be required, and no objections to the proposal have been raised by LCC Ecology for this reason. However, due to the proximity of the proposed outbuilding to the potential Local Wildlife Site (LWS) hedgerow and trees along the southern boundary, LCC Ecology have recommended that a 10 metre vegetation buffer to the southern boundary be required by condition were planning permission to be granted.
- 8.44. In addition, the proposed development is within 100 metres of a pond which may have potential to support great crested newts (GCN). This pond has not been surveyed, but it was considered unreasonable to request surveys from the applicant regarding this matter. LCC Ecology have instead advised that reasonable avoidance measures that would minimise any potential impact to GCN be conditioned in the event of planning permission being granted.
- 8.45. Subject to conditions, the proposed development would be in accordance with Policy DM6 of the SADMP.

Planning Balance

- 8.46. The development proposed in the current application would have some economic benefits for both the land and business owner and the dog day care facility would provide a social benefit for dog owners using the service. However, both benefits would be small scale and therefore limited weight is attached to these considerations. Furthermore, in the opinion of the LPA it has neither been demonstrated that the proposal represents sustainable growth and expansion of a business in a rural area as per paragraph 83 of the NPPF (2019).
- 8.47. In the submitted "Design, Access & Planning Statement" the applicant contends that without the proposed facility they would be unable to provide a dog care facility in accordance with the required animal welfare legislation. The LPA attach moderate weight to the matter of animal welfare.
- 8.48. The applicant has also submitted a copy of the delegated officer report for ref. 18/00353/FUL, using this as a 'comparable' example of similar development approved. The LPA has already explained to the applicant previously that this previous application is not considered to be a relevant comparison and that all applications are considered on their own merits. No weight is attached to this example as a material consideration.
- 8.49. Applying Paragraph 11 (d) (ii), there are no material considerations that would collectively or significantly outweigh the environmental harm to the countryside identified. The proposal would be contrary to Policy DM4 and DM10 of the SADMP and sub paragraphs 127 (c) and 170 (b) of the Framework. Collectively, and among other things, these policies seek to recognise and protect the intrinsic character and beauty of the open countryside, only allowing development that is sympathetic to, compliments or enhances local character.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 10. Conclusion**
- 10.1. The proposed development would significantly harm the character and appearance of the countryside by introducing an uncharacteristic form of development into an area of largely undisturbed, verdant and open countryside. The proposal would have an unwarranted and adverse impact on the undeveloped nature of surrounding countryside which is characterised by agriculture. The proposal fails to provide a clear and concise business case which demonstrates that the proposal represents sustainable growth and expansion of a business by way of diversification in a rural area. As such, there is un-justified harm to the intrinsic value and beauty of this area of countryside, contrary to Policy DM4 and DM10 of the SADMP and Paragraphs 9, 83, 127 (c) and 170 (b) of the NPPF (2019). The proposal is therefore recommended for refusal.
- 11. Recommendation**
- 11.1 **Refuse planning permission** subject to the reasons at the end of this report.
- 11.2 **Reasons**
 1. The proposed development would constitute a form of uncharacteristic development that would significantly harm the tranquil, open character and appearance of the application site and thus erode part of the intrinsic value and beauty of the countryside, contrary to Policy DM4, of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraphs 9, 127 (c) and 170 (b) of the National Planning Policy Framework (2019).
 2. No sufficient, clear and convincing evidence has been provided to demonstrate that the proposed change of use represents sustainable growth and expansion of a business in a rural area by way of diversification as per paragraph 83 of the NPPF (2019). The proposal would therefore fail satisfy Criterion 'C' of Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. This application has been determined having regard to the following documents and plans submitted with the application along with previous applications on the site:
 - Emails between Simon Cheshire Planning Ltd and the from 13.04.2021 to 21.05.2021
 - Site Location Plan
 - Proposed Elevations, Drg No. 001
 - Design and Access Report
 - Officers Report 18/00353/FUL
 - Parking Plan
 - Application FormAll received 22.02.2021

Planning Committee 20 July 2021
Report of the Planning Manager

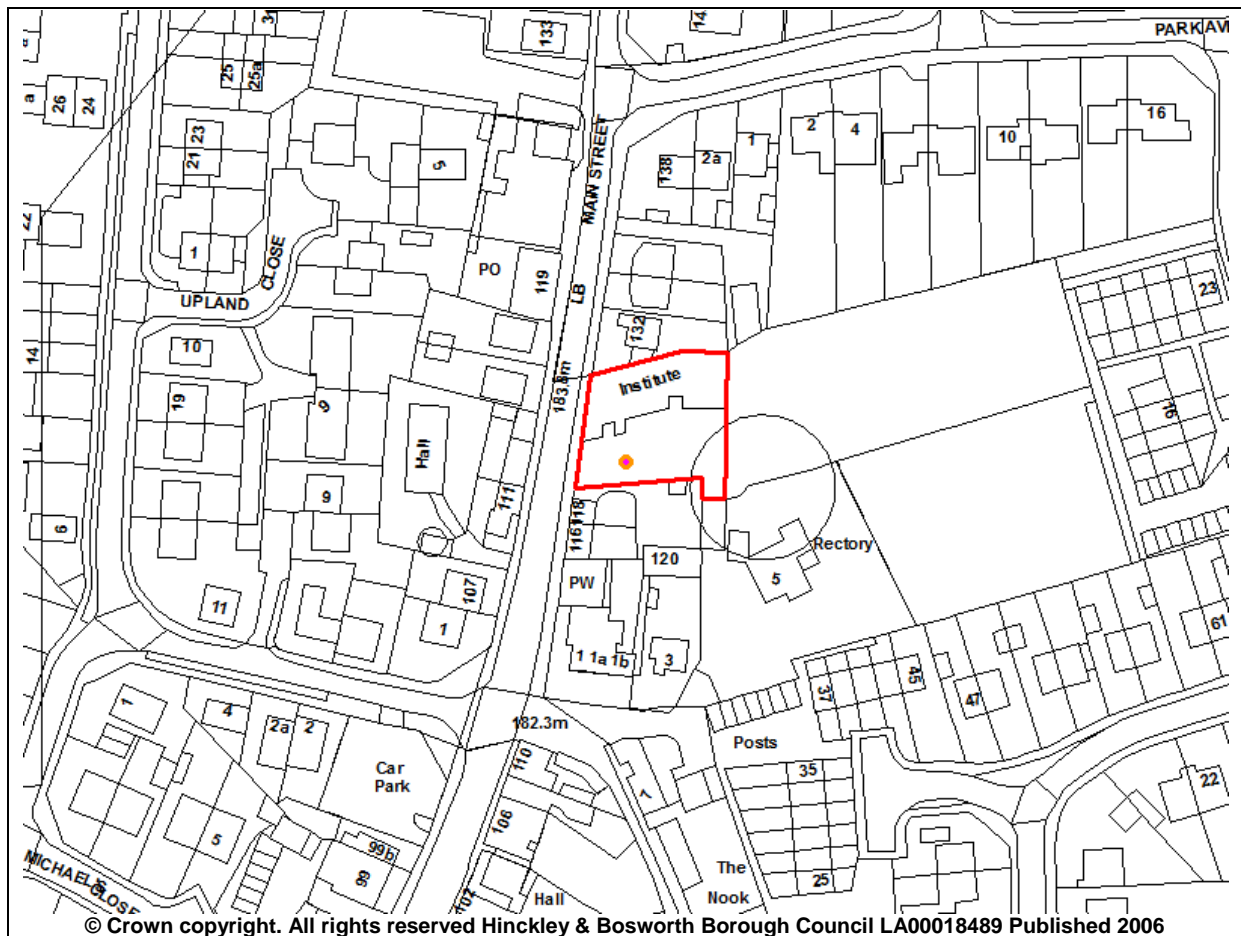
Planning Ref: 20/01324/CONDIT
Applicant: Mr Harbot
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 128 Main Street Markfield Leicestershire

Proposal: Variation of conditions 2 and 4 of planning permission 14/01082/FUL, to remove the granite plinth from front elevations and the erection of canopies above front doors (Part retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

2.1. This application seeks to vary condition 2, the plans condition and condition 4 which seeks the submission and agreement of materials prior to commencement attached to planning permission 14/01082/FUL

- 2.2. Planning permission 14/01082/FUL approved the demolition of existing building and erection of 3 dwellings. The dwellings have been erected and are ready for occupation.
- 2.3. The proposal seeks to include the erection of canopies above the front doors of the dwellings, as well as changes to the materials within the front elevation of the proposed dwellings.
- 2.4. The primary change would be the loss of the proposed stone plinth along the front elevation of the proposed dwellings.

3. Description of the site and surrounding area

- 3.1. The application site occupies an area which was formerly the site of the Miners Welfare building which was a single storey building and has been demolished and three approved dwellings have been erected in its place. The application site is located to the east of Main Street within the Markfield Conservation Area. There are residential properties to the north, south and west and an area of public open space is situated to the east. Dwellings within Main Street are varied in terms of style and ages, and also provides for a varied mix in materials.

4. Relevant planning history

09/00945/FUL

- Demolition of existing meeting hall and redevelopment of three town houses
Permitted
14.04.2010

09/00946/CON

- Demolition of the existing meeting hall for development of a terrace of three town houses
Permitted
14.04.2010

11/00764/FUL

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling
Refused
16.11.2011

11/00765/CON

- Partial demolition of meeting hall to facilitate development
Refused
16.11.2011

12/00543/FUL

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling
Permitted
07.11.2012

12/00544/CON

- Partial demolition of existing buildings to form a refurbished office and dwelling and the erection of one new dwelling
Permitted
07.11.2012

14/01082/FUL

- Demolition of existing building and erection of 3 dwellings (revised scheme)
Permitted
11.02.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and no objections have been received during the course of the application.

6. Consultation

- 6.1. No objections have been received from:-

- Environmental Health (Pollution)
- Environmental Health (Drainage)
- Leicestershire County Council (Highways)
- Leicestershire County Council (Ecology)

- 6.2. Councillor Lay has objected on the following grounds:-

- 1) The site is sensitive to the community of Markfield and the development as proposed falls well short of what was expected and should be expected in a conservation area.
- 2) The variations now being sought I believe to be a deliberate act by the developer.
- 3) This was the 4th variation of scheme for the site and in all conversations the Borough Council had been clear that retention of granite in the building design on the houses was essential along with slate roofs.
- 4) Similar developments along Main Street have stone frontages.
- 5) The types of problems suggested as the reason for not progressing the granite would not be an issue if they followed the correct building process as originally agreed.
- 6) The dominance of the brickwork in the design removes any relationship to it being in the conservation area or a development to enhance it.
- 7) The proposal detracts from the conservation area and is a step back.
- 8) Further to this a memorial plaque was to be placed above the archway and is integral to the agreed scheme design, another deviation.

- 6.3. Markfield Parish Council have objected on the following grounds:-

- 1) Development was given permission on the basis that it would enhance the conservation area on the basis on the materials used
- 2) The site location is important as the building which was knocked down was the villages war memorial and hence the sensitivity.
- 3) The changes remove the possibility of enhancement and weaken the status of the conservation area.
- 4) The developer should stick to what was originally granted.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Markfield Conservation Area Appraisal 2010
 - Markfield Neighbourhood Plan
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Previously imposed conditions
- Assessment against strategic planning policies
- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The Markfield Neighbourhood Plan is at Regulation 18 stage, and therefore the plan can proceed to referendum prior to becoming part of the Development Plan. As such, whilst the plan cannot be afforded full weight, the plan is afforded significant weight.
- 8.5 The application site is located within the settlement boundary of Markfield. Markfield is designated as a Key Rural Centre relating to Leicester. Given the application is situated within the defined settlement boundary of Markfield and already benefits from the grant of planning permission for the development of three dwellings. The principle of development in this location is considered acceptable subject to other material planning considerations.

Design and impact upon the Markfield Conservation Area

- 8.6 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 8 of the adopted Core Strategy requires new development to respect the character and appearance of the Markfield Conservation Area Policy M10 of the Markfield Neighbourhood Plan identifies that development must be sympathetic to local character and history unless the development is of exceptional quality or innovative design.
- 8.7 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.9 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.10 The application site is situated within the Markfield Conservation Area, and consists of three recently constructed dwelling, which replaced the Miners Welfare Hall. The dwellings comprise of a terrace with undercroft parking and access. The Markfield Conservation Area Appraisal (2010) identifies that the traditional building in the conservation area is local granite with the use of red brick being more occasional.
- 8.11 Planning approval 14/01082/FUL granted planning permission for the dwellings, subject to agreement of materials which were reserved by condition. The dwellings are set back off Main Street with small front gardens situated behind a small granite stone boundary wall. The approved constructive materials were agreed to be constructed of red brick upon a local granite plinth to the front elevation, with slate roof. The materials were considered traditional and appropriate in preserving the character and appearance and thus the significance of the Markfield Conservation Area.
- 8.12 The dwellings subject to application 14/01082/FUL have been constructed with red facing brick (Hurstwood Multi Brick) without the approved granite plinth along the front elevation of the dwellings. In addition to this change within the front elevation, the application also seeks to include three new canopies above each door on the front elevation. The proposed canopies are of simple cottage style with a dual pitched roof sat on a frame and brackets to fix to the wall. The canopies by virtue of their simple form and appearance are considered to complement the proposed dwellings and such canopies can be observed along Main Street. However details of the finished materials have not been provided as part of this application and should permission be granted details of the material are considered necessary in ensuring that a slate is used to match the existing dwellings (which have a natural slate tile) is secured ensuring that that character and appearance of the conservation area is conserved by these additions.

- 8.13 The submitted design and access statement which accompanies the application identifies that there was construction issues with including the approved granite plinth, and it would not be feasible to retrospectively fit a plinth as it would likely result in water egress, and therefore this application seeks to retain the red facing brick. Due to the erection of the stone wall to the frontage of the application site, visibility of the approved stone plinth would be limited within the streetscene of Main Street due to the low level screening provided by the wall. Therefore when having regard to the visual effect from the use of an appropriate brick which is reflective of the Markfield Conservation Area, across the front elevation of the dwellings the loss of the stone plinth is considered negligible, and not an adverse impact, upon the character and appearance of the dwellings and the wider conservation area.
- 8.14 Comments have been received in respect to the dwellings being finished with rendering rather than facing red brick. However the Markfield Conservation Area Appraisal identifies that the use of render for facing walls within the conservation area is not unpleasant but it is not a traditional material. It is noted that within Main Street and the wider conservation area the use of rendering can be observed, however the use of rendering over the red brick dwellings which have been erected would not be warranted when an acceptable traditional red brick has been used within the development.
- 8.15 The approved elevation plan granted under 14/01082/FUL also sought to retain and erect the Miners Hall plaque and fix it above the entrance to the undercroft within the front elevation. The plaque was not salvageable due to the age and timber rotting, and therefore during the course of this application a suitable alternative has been sought, such as a blue plaque to match existing heritage plaques found within the wider village. The proposed plaque would reflect the history of the site, and ensure that this aspect of the development conserves the historic interest of the conservation area. The final details of the plaque are ongoing and will be reported by way of late item.
- 8.16 Therefore by virtue of the appropriate construction materials of the facing walls, the appropriate form, siting and construction materials of the canopies which would be subject to conditions, and the erection of a heritage sign or plaque the proposal is considered to have a neutral impact on the character and appearance and thus significance of the Markfield Conservation Area, and therefore it complies with Policies DM10, DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy M10 of the emerging Markfield Neighbourhood Plan .
- Impact upon neighbouring residential amenity
- 8.17 Policy DM10 of the SADMP states that any new development should not have a significant adverse effect upon the privacy and amenity of nearby residents and occupiers of the adjacent buildings.
- 8.18 The alterations to the original scheme are limited, however the proposal does include small canopies above the front doors. However given their limited projection set in from the respective boundaries would not result in any neighbouring amenity impacts.
- 8.19 All other elements of the original scheme have already been assessed in the original scheme as causing not significant neighbouring amenity impacts.
- 8.20 The current scheme would therefore accord with Policy DM10 of the SADMP in this regard.

Impact upon highway safety

- 8.21 Policies DM17 and DM18 of the SADMP requires adequate access and an appropriate level of parking provision for all developments according to their site location.
- 8.22 The original scheme has already been assessed as having no adverse impacts upon highways safety or parking standards. The current scheme would not alter this assessment.
- 8.23 The current scheme therefore accords with Policy DM17 and DM18 of the SADMP.
- #### Previously imposed conditions
- 8.24 It is necessary to consider whether or not it is appropriate to re-impose the conditions attached to the original permission granted under 14/01082/FUL. 14/01082/FUL is subject to thirteen conditions; Conditions 2 and 3 are sought to be varied through this application. Should permission be granted for the current application, all other conditions in 14/01082/FUL are considered suitable and reasonable and should all be carried forward to this permission notwithstanding some amendments, addressed below.
- 8.25 Condition 1 is a standard time limit condition. However, work has since commenced on site and therefore this condition is no longer necessary.
- 8.26 Condition 2 is a schedule condition listing the approved plans and details. The amendments proposed in the current application have necessitated drawing revisions. In doing so, the current application seeks to amend this condition and thus its details in 14/01082/FUL should be amended accordingly.
- 8.27 Condition 3 seeks to ensure that no demolition or development commences without a written scheme of investigation detailing suitable archaeological work have been submitted and approved. This condition has been discharged accordingly and the development carried out.
- 8.28 Condition 4 seeks to be amended through the consideration of this application. The materials condition would be required updating to ensure that the proposed canopies are constructed with sympathetic materials.
- 8.29 Condition 5 removes permitted development right from the dwellings, this condition shall be re-imposed to ensure that any development has a satisfactory external appearance given the positioning within the Markfield Conservation Area.
- 8.30 Condition 6 requires a site management plan, however the dwellings are erected, and ready for occupation therefore this condition is not considered to be reasonable or necessary to be re-imposed.
- 8.31 Condition 7 seeks window and door details to be agreed prior to development, this condition has been discharged and the development carried out accordingly and therefore this condition is no necessary.
- 8.32 Condition 8 requires the development to be implemented in accordance with the recommendations contained within the protected species survey. The development has been carried out and therefore this condition is no longer necessary.
- 8.33 Condition 9 requires the agreement and implementation of hard and soft landscaping scheme, the details of landscaping has been agreed through the discharge of condition, this condition shall therefore be reword to reflect the agreed details to ensure they are completed in full prior to the first occupation of any of the dwellings.

- 8.34 Condition 10 requires the parking to be laid out and made available prior to occupation, this condition shall be re-imposed to ensure that the parking is retained as available prior to occupation.
- 8.35 Condition 11 and 12 relate to access surfacing and details of the access to be agreed prior to commencement. The technical details of the access have been submitted and agreed through the discharge of conditions, and therefore condition 11 is no longer necessary and condition 12 shall be reworded to reflect the agreed details which are required to be completed prior to occupation.
- 8.36 Condition 13 ensures that no chains, gate or barriers are erected at the entrance of the vehicle access, this condition shall be re-imposed in the interest of highway safety.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The application site is located within the settlement boundary of Markfield where residential development is generally supported by Policy 7 and 8 of the Core Strategy. The principle of development on this site has also been previously established through the grant of planning permission.
- 10.2. The changes from the original approval would have a neutral impact on the character and appearance of the Markfield Conservation Area, due to the appropriate use of materials and sympathetically designed canopies and as such are considered to preserve the significance of the Markfield Conservation Area. Accordingly the proposed would comply with Policies DM10, DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.3. The parking and access have previously been considered acceptable and this scheme would have no impact upon that arrangement, the proposal due to its limited changes would not result in any additional impacts upon neighbouring properties, drainage, ecology or archaeology and therefore the proposed

development would continue to accord with Policies DM6, DM10, DM17 and DM18 of the SADMP and therefore recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - BR Proposed Second Floor Plan, elevations, section and roof plan Dwg No.417.04D received on the 15 January 2021.
 - Site plans drawing No.2014/09/184B (Scale 1:1250, 1:500, 1:100), Proposed Site Drawing No 2014/09/184B (Scale 1:200) received by the Local Planning Authority on 6 January 2015.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. Notwithstanding the approved plans, prior to the erection of the proposed door canopies representative samples of the types and colours of materials to be used in their construction shall be deposited with and approved in writing by the Local Planning Authority. The canopies shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2: Part 1, Classes A - E inclusive, G and H and Part 2 shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and acceptable impact upon the Markfield Conservation Area to accord with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first occupation of the dwellings hereby approved the landscaping shall be carried out in accordance with the details contained within the Landscaping 2089_PL_01 C Detailed Planting Plan received by the Local Planning Authority on the 06 June 2018, shall be completed.

Reason: In the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the occupation of the first dwelling hereby approved the car parking and turning facilities as identified in Drawing No. 2014/09/184B shall be

provided, hard surfaced and made available for use and shall permanently maintained.

Reason: In the interests of road safety to accord with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to first occupation of the dwellings hereby approved the vehicular access shall be completed and made available in accordance with Dwg No 21 01 15 002 Pages 2 & 3 vehicular access, received by the Local Planning Authority on the 3 January 2018.

Reason: In the interests of road safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **Notes to applicant:-**

1. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
3. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (0116 3050001).

Planning Committee 20 July 2021
Report of the Planning Manager

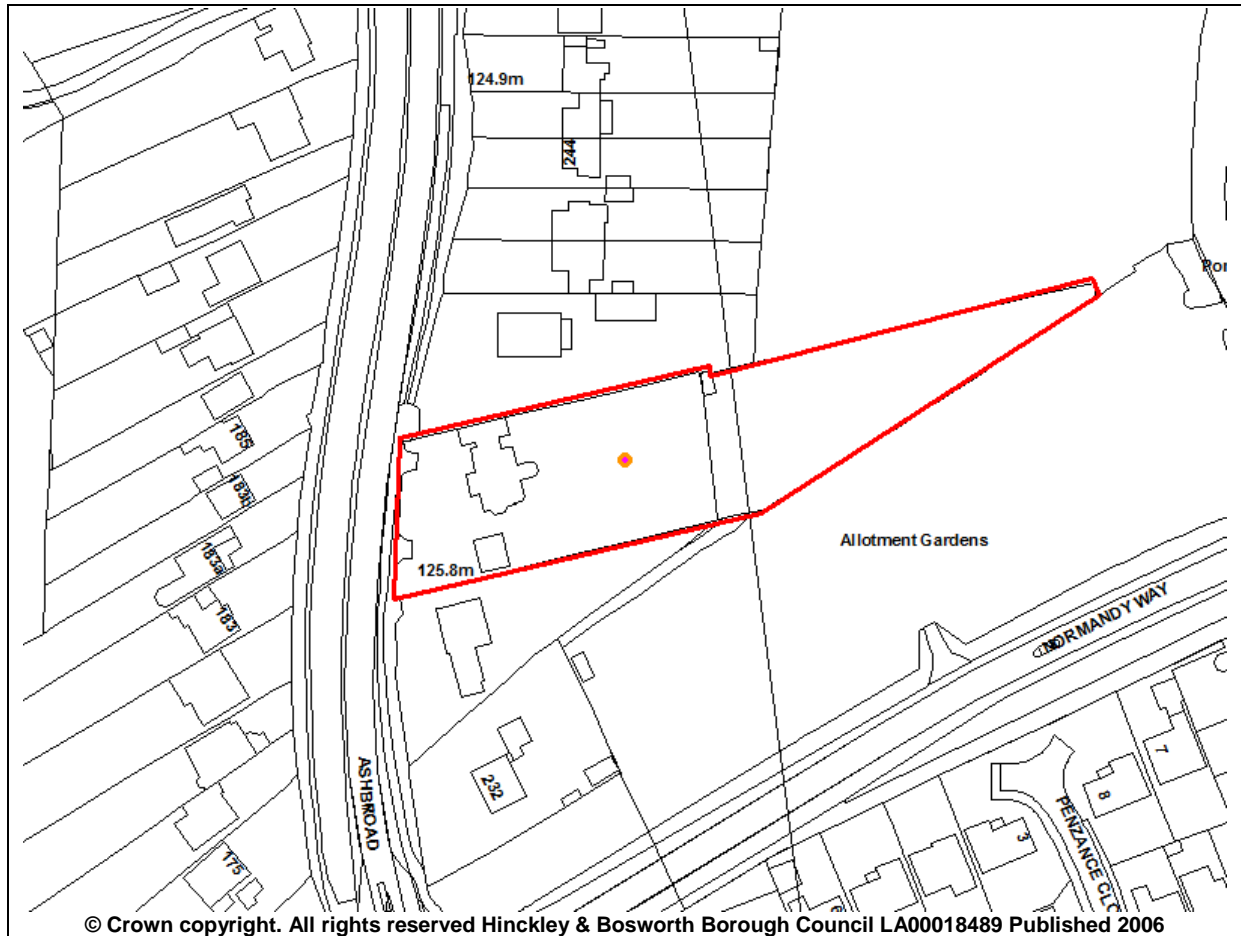
Planning Ref: 21/00130/FUL
Applicant: Mr and Mrs Chris and Mandy Wright
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: The Acorns 236 Ashby Road Hinckley

Proposal: Erection of two dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. The application proposes the erection of two detached dwellings to the rear of number 236 Ashby Road which has a large established rear garden. The dwellings would be sited in the area of an existing tennis court. Vehicular access would be via a shared driveway from an existing access onto Ashby Road, running to the south side of the existing dwelling which will necessitate the demolition of its garage.

- 2.2. The two dwellings are proposed as one and a half storey, having two bedrooms within the roofspace and a ground floor study, as well as an integral single garage and two parking spaces each. Proposed materials are rendered walls and clay tile roof to match the existing dwelling. The height of each dwelling is approximately 7.4m. The dwellings have dormer windows facing the rear gardens and rooflights at the front.
- 2.3. A replacement single garage for the existing dwelling is also proposed, accessed from the shared drive, together with turning for all three properties. The existing rear lawn area is retained for number 236 and new tree planting would take place between the rear boundary of number 236 and the front of the two new dwellings. The remaining rear garden and much of the mature landscaping is retained for the use of the new properties.
- 2.4. The shared vehicular access onto Ashby Road provides visibility of 2.4m x 73m. A shared waste collection point is provided adjacent to the highway.
- 2.5. The application is supported by a Planning Statement, Design and Access Statement, Ecology Report and Arboricultural Report.

3. Description of the site and surrounding area

- 3.1. The Acorns is a large 20th century detached dwelling with extensive mature gardens well screened from its surroundings. It is located on the A447 Ashby Road, close to the junction with the A47 Normandy Way and currently has a double 'in/out' access onto Ashby Road. There are neighbouring dwellings to each side backing onto open countryside (no 238) and allotments (no 234). The furthest part of the rear garden of The Acorns also abuts the allotment gardens on Normandy Way to the south and the open countryside to the north which forms part of the Hinckley, Barwell, Earl Shilton and Burbage Green Wedge. The boundary of the Green Wedge bisects the rear garden of The Acorns approximately half way between the house and the end of the garden in an area where there is currently a tennis court and a shed.
- 3.2. This part of Ashby Road is characterised by similar dwellings in spacious plots which front directly onto Ashby Road.

4. Relevant planning history

96/00427/COU

- Change of use to nursery
Permitted
24.07.1996

97/00697/CONDIT

- Continued use of premises without compliance with conditions 1 and 2 of consent 96/00427/cou (permanent consent and increase in number of children)
Permitted
18.09.1997

75/01704/4M

- Extension to dwelling granny flat
Permitted
30.12.1975

74/01103/4M

- Extension to garage
Permitted
26.11.1974

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. Objections have been received from nine properties and a further letter from Andrew Granger & co on behalf of one of the nine respondents. Objections can be summarised as follows:

- 1) Adverse impact on the character and appearance of the area
- 2) Inappropriate Backland Development
- 3) Part of site is a Green Wedge / Open Countryside and should be protected
- 4) Encroachment into buffer between buildings and Green Wedge
- 5) Not in keeping with development on Ashby Road
- 6) Lack of sustainable design and technology measures
- 7) Loss of trees / hedge
- 8) Close boarded fencing is inappropriate in the Green Wedge
- 9) Highway safety
- 10) Make parking issues in the area worse
- 11) Lack of parking
- 12) Increased traffic
- 13) Increased air pollution and odour
- 14) Light pollution
- 15) Overbearing impact on 238
- 16) Proximity to the bus stop / moving bus stop is unnecessary
- 17) Lack of drainage capacity and flooding issues
- 18) Loss of wildlife
- 19) Sets a precedent for further development in the Green Wedge
- 20) Adverse impacts are outweighed by the benefits
- 21) Loss of view and devaluation of property (not planning issues)

6. Consultation

6.1. No objections from:

- LCC Archaeology
- LCC Ecology
- HBBC Drainage
- HBBC Environmental Services
- HBBC Waste Services

6.2. No objections subject to conditions from:

- LCC Highways

6.3. No response from

- LCC Minerals

7. Policy

7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 6: Hinckley, Barwell, Earl Shilton and Burbage Green Wedge
- Policy 20: Green Infrastructure

7.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4 Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Biodiversity and trees
 - Drainage and pollution
 - Planning balance
- Assessment against strategic planning policies
- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy with a minimum housing allocation of 1120 dwellings.
- 8.5 On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply.
- 8.6 The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This

figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.7 Therefore, the housing policies are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11(d) (ii) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon.
- 8.8 This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9 The application site falls partially within the Green Wedge where Policy 6 of the Core Strategy is relevant. However, in this instance due to the proposed layout, built development is contained to areas outside of the green wedge allocation. The land contained within the green wedge is currently garden land and there will be no change to this as a result of the development. Whilst impact upon the character of the area is discussed later in the report, as a matter of principle there would be no loss of function of the Green Wedge in accordance with Policy 6 of the Core Strategy.
- 8.10 Hinckley is a sustainable location for new housing and so, subject to acceptable design and there being no adverse impacts that would outweigh the benefits of providing new housing to meet the housing supply requirement of the district, then the application can be supported in principle in accordance with Policy DM1 of the SADMP. Design and impact upon the character of the area
- 8.11 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.12 Policy DM4 states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. Sustainable development should not undermine the physical and perceived separation and open character between settlements.
- 8.13 The eastern part of the application site is outside the settlement boundary and within the Hinckley, Barwell, Earl Shilton and Burbage Green Wedge as defined in Policy 6 of the Core Strategy. The boundary of the Green Wedge bisects the rear garden of The Acorns but the garden beyond the settlement boundary is significantly different in character to the open agricultural land to the north or the

allotments to the south, being rather a continuation of the residential garden associated with The Acorns. There is no appreciable difference between the character of this part of the garden and the area closer to the house / outside the Green Wedge. The garden is also heavily landscaped and screened from the surrounding agricultural land and the allotments.

- 8.14 Notwithstanding the fact that part of the site is within the Green Wedge, there is no built development proposed by the application within the Green Wedge and beyond the settlement boundary. It would remain residential garden as it is now and the mature landscaping in this area does not require removal. There would be no change of use. For this reason it is considered that there is no loss of function of the Green Wedge and the visual appearance of the area would be retained in accordance with the requirements of Policy 6 of the Core Strategy. The development would not result in harm to the countryside potentially identified by Policy DM4 of the SADMP, as the absence of built development or a change of use would not undermine the physical and perceived separation or open character between settlements.
- 8.15 A condition removing householder permitted development rights is proposed in respect of the residential curtilage of the two new dwellings in order to control future ancillary development upon the Green Wedge and open countryside.
- 8.16 The proposed development sits in a Backland location behind the existing dwelling at number 236 Ashby Road. Whilst this is not characteristic of the area it is not unacceptable in principle but should be considered in terms of its relationship to the existing built form and its visual impact on the locality. The Good Design Guide Supplementary Planning Guidance states that some sites may be able to accommodate Backland Development whereas others will not.
- 8.17 In terms of the visual impact on the character of the area, there is no rigid building line on this side of Ashby Road. Number 238 and the dwellings to the north are set back further from the road than The Acorns and number 234 is set closer to the road. Number 238 has a large outbuilding which is in a comparable location to the proposed dwellings. In terms of the pattern of development the proposal would not be incongruous with the existing built form. By virtue of its location some distance from Ashby Road to the rear of the existing house and the presence of extensive mature landscaping, there is very little visual impact on the surrounding area and no demonstrable visual harm to the public realm. The dwellings have ample amenity space and parking space. The development would not appear cramped in its context. The access currently exists and the loss of the garage would not have an adverse impact on the character of the street scene. Therefore in this instance it is considered that a backland development is acceptable and in accordance with the Good Design Guide advice.
- 8.18 The detailed design and materials of the new dwellings are acceptable and in keeping with the existing dwelling. The scale of the dwellings is modest and not dissimilar to other dwellings in the locality, which has a mixed architectural character. Conditions are proposed relating to materials, levels, electric vehicle charging points and the provision of waste collection facilities. The retention of trees and additional tree planting is also secured by condition.
- 8.19 The introduction of fencing within the area of the garden beyond the Green Wedge would not have a significant visual impact outside the site and could currently be carried out under householder permitted development in respect of fences up to 2m high. Householder Permitted Development rights are proposed to be removed from the new properties in order to retain greater control over future development in this area. The granting of permission would not set a precedent for further development as each application would need to be considered on its merits.

- 8.20 To summarise, the proposed development is considered to meet acceptable standards of design that are proportionate to the scale of the development and would complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features in accordance with Policy DM10 of the SADMP. It also complies with the advice within the Good Design Guide.
- Impact upon neighbouring residential amenity
- 8.21 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.22 The Good Design Guide states that proposals will need to demonstrate that it will not result in a loss of amenity to neighbouring properties by way of overlooking overshadowing or noise and that proposals should not lead to an over intensification of the land. The Guide recommends a distance of 21m between facing habitable rooms or 8-12m where there are no facing windows. In this instance the front of the proposed dwellings are at least 22m from the rear of the existing dwelling The Acorns. They are also around 20m from the closest neighbour at 238 and offset.
- 8.23 The dwelling at 238 Ashby Road is set off the common boundary which would be fenced with a 1.8m high close boarded fence. The closest part of the new development to this dwelling is the new garage serving The Acorns, which is single storey and some 3.5m from the boundary fence. Therefore by virtue of this distance and relationship there would be no overbearing impact on neighbouring residential amenity. The new dwelling on plot 2, being one and a half storeys is further to the east and is also set off the boundary. There are no side windows proposed at first floor level which would directly overlook the private area to the rear of number 238 and no first floor windows on the front elevation. The rooflights on the front elevation serve an en-suite and would not result in any loss of privacy. The rear dormer windows overlook the gardens of the new dwellings and the countryside beyond. There would be no direct views of any private amenity space associated with either of the neighbouring dwellings. The new dwellings have a satisfactory relationship to the existing dwelling at The Acorns as discussed in paragraph 7.22.
- 8.24 The extension of the driveway between the existing dwelling and number 234, together with the new access and parking areas at the rear of The Acorns would have some impact on both number 234 and 238 Ashby Road in terms of noise, light pollution and air quality as a result of vehicle movements accessing the three properties. However, no change of use is proposed which would be incompatible with a residential area. In addition, the scale of the development is such that any impacts would be intermittent and not of a significance that would justify a refusal of permission on grounds of a loss of amenity on this point alone.
- 8.25 The loss of a specific view is not a Planning consideration. In this instance the scale of the development and its relationship to the existing dwellings is not considered to be significantly detrimental to their residential amenity. The application therefore complies with Policy DM10 of the SADMP.
- Impact upon highway safety
- 8.26 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Paragraph 109 of the Framework states that development

should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.27 The existing dwelling and the proposed new dwellings are accessed from the A447 Ashby Road, close to its junction with the A47 Normandy Way. Ashby Road is subject to a 40mph speed limit and the proposal represents an intensification of the existing access. The proposal shows a 4.25m wide shared access drive for the first five metres and pedestrian visibility which the Local Highway Authority (LHA) confirms is in compliance with the Leicestershire Highways Design Guide.
- 8.28 The highway authority advise that there have been five Personal Injury Collisions (PICs) along Ashby Road between its junction with the A47 and its junction with Hinckley and Bosworth Community Hospital. Of these, four were recorded as slight while one was serious. Taking into account the scale and characteristics of the proposal, the LHA considers it would not be possible to demonstrate that the proposed development would exacerbate an existing road safety situation.
- 8.29 Amended plans have been submitted at the request of the LHA to demonstrate satisfactory inter-vehicle visibility at the access. The LHA have confirmed that the amended plan received on 27th April is satisfactory and they therefore have no further objections to the proposal subject to conditions. Conditions requested by the LHA will be confirmed by an update to the committee. These are likely to cover access width, surfacing, gates and parking provision prior to occupation of the new dwellings.
- 8.30 The LHA have indicated that the relocation of the bus stop as indicated on Drawing 1882-SP-007B is not necessary and as such will not be part of any licence agreement with the developers.
- 8.31 The proposal provides replacement garaging for number 236 and there is also a large drive to the front of the property. The new dwellings have two parking spaces plus a garage each which exceeds the requirements of the Leicestershire Highways Design Guide for 2/3 bedroomed dwellings. Turning is also provided within the site which will enable vehicles to exit onto Ashby Road in a forwards gear.
- 8.32 In accordance with the advice of the Highway Authority it is considered that there is insufficient justification to refuse the application on grounds of highway safety or lack of parking. The proposed development is acceptable subject to conditions and complies with Policies DM17 and DM 18 of the SADMP.

Impact on Biodiversity and Trees

- 8.33 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.34 An arboricultural report has been submitted with the application which indicates a total of 22 trees and 15 groups of trees were surveyed on the property. Of these, the development proposes the removal of 8 trees and six groups. The majority of the trees on the site are category C trees (low value) and 7 are category B trees (moderate value). None are category A trees and the site is not subject to a Tree Preservation Order or within a Conservation Area. The proposed removal is in respect of low quality trees with very limited visibility from beyond the site boundaries and only one category B tree. This is a weeping willow which is immediately to the rear of proposed dwelling 1.
- 8.35 A tree root protection system is proposed as part of the new access which will ensure good water infiltration and reduce soil compaction for trees and landscaping

along the boundary. Although some trees would be removed in this area to facilitate access, only one category B tree is located in this area (eucalyptus) which is within the adjacent garden of number 234 Ashby Road. This tree is retained and the root protection system will safeguard its future. Conditions relating to tree protection during construction and the use of the ProtectaWeb root protection system are proposed. Four new trees are proposed between the rear of the existing dwelling and the new dwellings and a condition is also proposed to secure and maintain these new trees. It is considered that the loss of trees would not be significant in terms of the overall visual amenity of the landscaping on the site and the benefits to the natural environment.

- 8.36 The application is also accompanied by an Ecology Impact Assessment which concludes that there is a low likelihood of the development impacting upon protected species or their habitats. The new dwellings are located on the tennis court which is hard surfaced and has limited potential for wildlife. The report advises that there is no evidence of bat roosting within the site and the predominance of non-native species means that foraging opportunities are also quite limited. The two ponds in the area have a below average suitability for Great Crested Newts. However, there is bird nesting and foraging potential and the report recommends that biodiversity enhancements can be secured by additional planting and the provision of bird / bat boxes. The County Ecologist has no objections to the application subject to advising that the recommendations in the report should be followed. An informative is to be added to the decision to this effect.

- 8.37 The application would not significantly adversely impact features of nature conservation and together with mitigation measures secured through conditions, safeguards the natural environment in accordance with Policy DM6 of the SADMP.

Drainage and Pollution

- 8.38 Policy DM7 states that development should not create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against. Adverse impacts from pollution and flooding will be prevented by ensuring that development proposals will not adversely impact on water quality, ecological value or drainage function, avoid obtrusive light intrusion, noise pollution and air quality.
- 8.39 The site is within Flood Risk zone 1 (low risk) as identified by the Environment Agency. However, the application indicates that a sustainable drainage system (SUDs) is proposed incorporating attenuation measures to prevent increased surface water runoff. A condition is proposed requiring technical approval of a drainage scheme prior to commencement of the development. The Council's Drainage Engineer and Environmental Services Officer has no objections to the proposal.
- 8.40 The development is for two fairly modest residential units in an urban residential area. There would not be a significant increase in pollution as a result of the development of two dwellings that would justify a refusal of the application. The application therefore complies with Policy DM7 of the adopted SADMP.

Planning Balance

- 8.41 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.42 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot

currently demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 8.43 The proposal would be in conflict with Policy DM4 of the adopted SADMP as it does not support new residential development in the countryside without justification and Policy 6 of the Core Strategy identifies part of the site as being within a Green Wedge. These policies accord with the NPPF and have significant weight. However, the proposal, by virtue of its small scale, close relationship to surrounding built form, good enclosure and lack of built development or change of use within the Green Wedge result in a limited impact on the character of the wider landscape and no significant impact on the function of the Green Wedge so any conflict with the design criteria of Policy DM4 and Policy DM10 (c) of the adopted SADMP and Policy 6 of the Core Strategy is limited. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF.
- 8.44 Paragraph 11 of the NPPF states that the harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify the benefits of the scheme. Following the three strands of sustainability the benefits are broken down into economic, social and environmental:
- The proposal would result in some economic benefits through the construction of the scheme and the future occupation of the dwellings providing ongoing support to local businesses, services and facilities.
 - The proposal would result in some social benefits through the delivery of two new dwellings towards addressing the current shortfall of housing in the Borough.
 - The site has been found to have relatively low biodiversity value and there are opportunities for enhancement. Some modest environmental benefits could be provided through the retention of the more valuable natural features on the site and from replacement trees and the provision of nesting and roosting opportunities.
- 8.45 By virtue of its small scale, close relationship to existing built form and enclosure, it is considered that the proposal would result in some economic, social and environmental benefits. Whilst some harm has been identified, it is considered that on balance, that harm does not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 The housing policies in the adopted Core Strategy and the adopted SADMP are out of date and the Council cannot currently demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Subject to the imposition of conditions and/or mitigation measures where necessary, the proposed scheme would not result in any significant adverse impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties, the amenities of the future occupiers of the development, highway safety, biodiversity, flooding, pollution, archaeology or the Green Wedge. Subject to conditions, the proposal would therefore be in accordance with Policies 6 and 20 of the Core Strategy, Policies DM4, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP and advice within the Good Design Guide adopted Supplementary Planning Document.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Drawings 1882-SP-001A, 1882-SP-002C, 1882-LP-003, 1882-SK-004A, 1882-SK-005A, 1882-EV-006 received 2nd February 2021

Drawing 1882-007B received 27th April 2021

Planning Statement, Design and Access Statement received 2nd February 2021

Ecology Impact Statement by Swift Ecology dated 30th September 2020

Arboricultural Impact Assessment by Wharton dated 22nd February 2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved plan Drawing no 1882-EV-006.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Construction work of the development, hereby permitted, shall not take place outside the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays or at any time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Prior to the construction of any dwelling above slab level, details of electric vehicle charging points for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of any new dwelling.

Reason: To accord with Policy DM10g) of the Site Allocations and Development Management Policies DPD 2016.

6. The new dwellings shall not be occupied until the waste storage and collection facilities have been provided in accordance with Drawing 1882-SP-002C.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be carried out or outbuildings erected in the curtilage of either new dwelling unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the rural character of the Green Wedge in accordance with Policy 6 of the adopted Core Strategy 2009.

9. No development shall take place until details of the new tree planting including an implementation scheme, has been submitted in writing to and

approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme prior to occupation of the new dwellings. The soft landscaping scheme, including the retained trees as identified on the approved plans shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Before any development commences on the site, including site works of any description, a final Tree Protection Plan, Exclusion Zone and detailed method statement shall be prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

11. No development shall take place until the ProtectaWeb System as identified in Appendix 4 of the Arboricultural Impact Assessment by Wharton dated 22nd February 2021 is installed in accordance with the approved details and shall be maintained as such so long as the development remains.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

12. The development shall be carried out in accordance with the proposed finished levels as set out on approved Drawing 1882-EV-006.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction will be subject to the approval of the Building Control Surveyor.

Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. The applicant is advised that protected species under the Wildlife and Countryside Act 1981 such as bats and nesting birds may be present on the site. The development should be carried out in accordance with the recommendations in the submitted Ecology Impact Assessment by Swift Ecology dated 30th September 2020.

Planning Committee 20 July 2021
Report of the Planning Manager

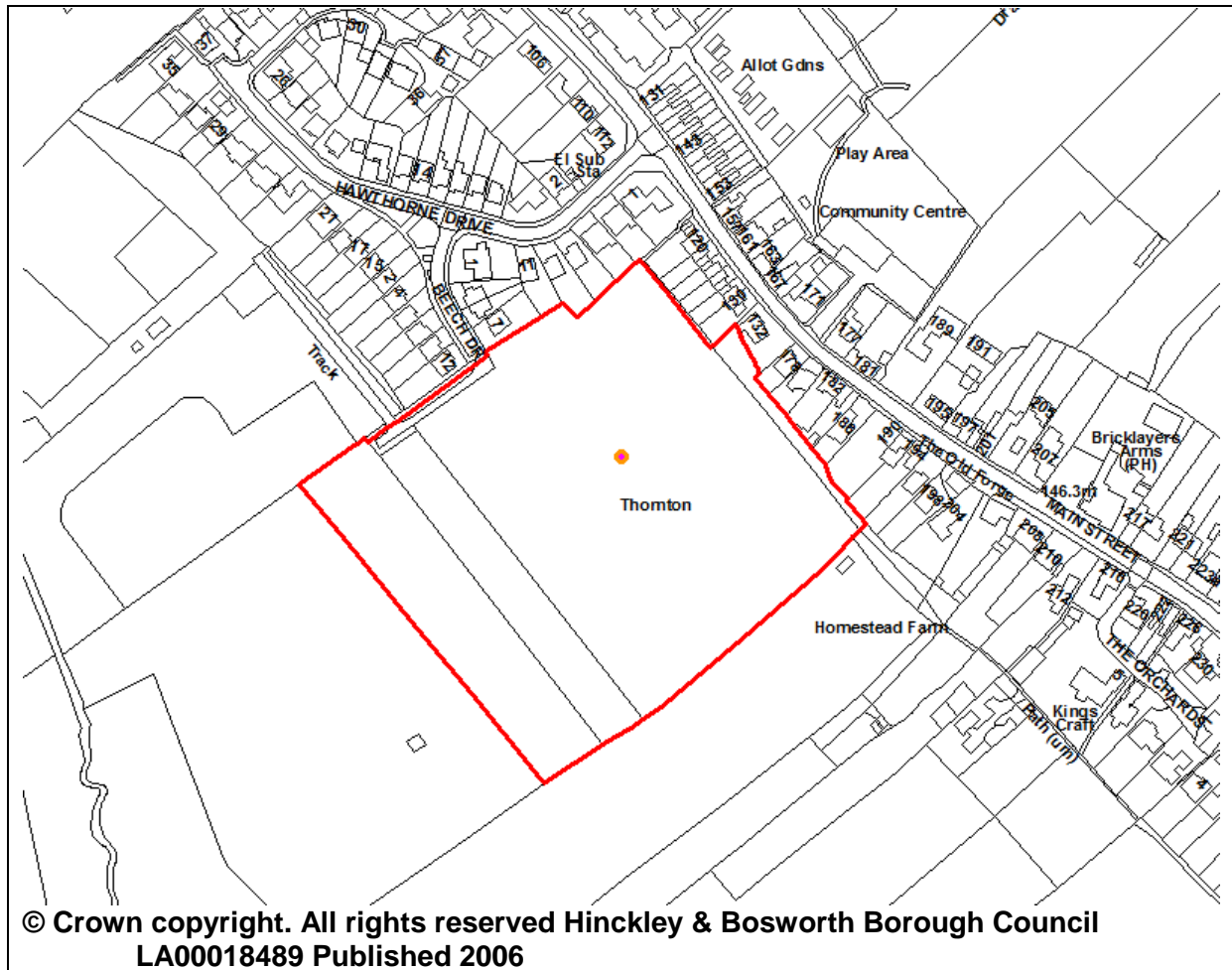
Planning Ref: 20/00511/FUL
Applicant: Barwood Homes
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Off Beech Drive Thornton

Proposal: Residential development of 49 dwellings with associated infrastructure, access and areas of open space



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution of a S106 agreement to secure the following obligations:
 - 40% affordable housing provision on site
 - Play and open space – off site provision £55,680.66; on site - £159,040.00 (if the open space on site is transferred to the Parish of Council)
 - Education – Primary £116,736.00; Secondary - £134,338.14
 - Civic Amenity - £3,304
 - Library - £1,420
 - Off-site biodiversity improvement contribution or work

- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

- 2.1. This is a full planning application for the development of 49 dwellings. The development includes 40% affordable housing, which equates to 20 affordable dwellings and 29 market dwellings. There is a mix of 10 x 4 bedroom, 27 x 3 bedroom, 8 x 2 bedroom and 4 x 1 bedroom dwellings proposed.
- 2.2. The site is proposed to be accessed from Beech Drive as a single point of access. Beech Drive is accessed through Hawthorn Drive which is accessed from Main Street. Parking is provided on site at a ratio of 3 parking spaces for each market dwelling, two parking spaces for the 2 and 3 bed affordable dwellings and 1 parking space for the 1 bed affordable dwellings.
- 2.3. The proposal includes the retention and management of the tree belt within the site with the creation of additional habitat and natural landscaped areas.

3. Description of the site and surrounding area

- 3.1. The site is adjacent to, but outside the settlement boundary of Thornton, to the south of Beech Drive/Hawthorne Drive/Main Street. Built development surrounds the site to the north and north east. To the south and west the site adjoins open countryside.
- 3.2. The site has significant changes in topography across the site. The site slopes down from Main Street to the south west and rises up from Beech Drive to the centre of the site and sloping back down to the southern boundary.
- 3.3. The site contains no buildings, however an overhead power line crosses the site south east – North West. A tree belt is within the site to the west, creating a divide within the field. A footpath runs through the site from the adjacent southern field to Main Street. A mature hedgerow with trees is along the southern boundary.
- 3.4. Beech Drive/Hawthorne Drive to the north of the site is a circa. 1970s residential estate accessed from Main Street. This estate was built upon land which had level changes similar to the application site and many of the properties include retaining structure to boundaries and the heights of buildings across the site differ due to the levels differences. The majority of properties on this estate are detached two storey houses, however there are bungalows along the Hawthorne Drive where it leads to Main Street.

4. Relevant planning history

04/00516/GDO

- Formation of agricultural access way
GDO
19.05.2004

10/00712/COU

- Change of use from existing agricultural land to pony paddock and the erection of a stable
Permission
01.12.2010

14/01274/OUT

- Residential development of up to 49 dwellings (Outline - access)
Refused
16.04.2015
Appeal submitted but withdrawn

16/00311/OUT

- Residential development of up to 48 dwellings (outline - access only)
(resubmission)
Refused
01.06.2016
Appeal submitted but withdrawn

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Leicestershire County Councillor Peter Bedford has objected to the scheme raising concerns the development would have on the roads and local infrastructure and believes that the application would have a significantly adverse impact on the lives and amenities of local residents.
- 5.3. A total of 288 responses were received from 132 separate addresses. Concerns raised are:
 - 1) Access to the site is of great concern, increase traffic will make the situation unacceptable hazardous, already too much congestion
 - 2) Congestion during drop off and pick up at the school is a nightmare, this can last for hours as there are breakfast and after-school clubs
 - 3) Village cannot cope with increased traffic and people, impacting on the school, roads, parking and drainage
 - 4) Gradients of highway both existing and proposed and issues with inclement weather
 - 5) Concerns with how construction vehicles will get to the site safely
 - 6) Lack of visibility of Hawthorn Drive access onto Main Street issues for both drivers and pedestrians
 - 7) Speeding isn't a problem and a speed table would increase the problem
 - 8) No change from previously refused applications
 - 9) Drainage scheme will overload the existing sewer
 - 10) No housing requirement for Thornton within the SADMP
 - 11) Unsustainable development, fails to meet the requirement for a sustainable economic, social and environmental role
 - 12) Impacts upon pupils and parents getting safely to school
 - 13) Outside the settlement boundary of Thornton contrary to DM4 of the SADMP
 - 14) Concerns for extension from this site into the adjacent fields
 - 15) Significant changes in levels resulting in 6.5metres difference in roof heights
 - 16) Issues for Emergency vehicles on Main Street
 - 17) Impact upon school as already a number of temporary classrooms
 - 18) Local needs are already being catered for
 - 19) Infrequent bus service and lack of amenities
 - 20) Nearest Doctors, Dentist and Chemist are in Markfield or Desford but the bus service doesn't go there
 - 21) Extensive change to levels will result in a lot of soil movement will it be kept on site or taken off site

- 22) Who will be responsible for keeping the existing roads clean during construction?
- 23) Request for further cross sections
- 24) Speed pads are not cycle or bus friendly
- 25) Questions regarding the accuracy of the contour lines on plans and the details of the highway plans
- 26) Existing flooding issues in the village
- 27) Urbanising a well-used footpath
- 28) Thornton is a linear ridge settlement and this development will not preserve and follow the development plan
- 29) Concerns with bats and badgers
- 30) Density of development is low
- 31) Serious negative effects on all areas of the community
- 32) Swept path documents shows the bin lorry has to mount the footpath outside houses 28 and 29 to be able to negotiate the internal roads
- 33) Road positions don't match up with the amended site plans
- 34) Concerns with 13m rigid tucks being able to get in and out of Hawthorn Drive due to parked cars on Main Street
- 35) Work to 9pm at night is unacceptable
- 36) High voltage pylon at the bottom of the site within the area of public realm
- 37) National Grid, NHS England, Severn Trent Water, National Grid, LCC Education, Thornton and Bagworth Neighbourhood Plan or LCC Public Right of Way haven't been consulted and should be
- 38) Tandem parking is not very practical and will result in on road parking
- 39) New houses will overlook existing houses in particular 38/39 and 40 Hawthorne Drive and 178 and 180 Main Street harming privacy
- 40) Suitable surface water drainage plan has not been submitted
- 41) Congestion on roads already bad and farm traffic use Main Street.
- 42) The proposed Neighbourhood Plan does not allocate the site and would be disruptive to the execution of such plan if permission were granted
- 43) Concerns with impact on wildlife and insects
- 44) Traffic is worse since last applications
- 45) Reasons for refusal on last applications still stand
- 46) Impact on health from the pollution caused by the development and increased traffic
- 47) Impact on the well-being of Thornton's existing residents (physical and mental wellbeing)
- 48) This application has caused a lot of stress upon the residents
- 49) The site should be planted with trees rather than building housing
- 50) Traffic surveys are false readings as they were taken during lockdown and in half term week
- 51) Thornton is a highly visited tourist attraction with a lot of visitors on a daily basis, adding this development will worsen the congestion
- 52) Two developments are already approved in Thornton (reservoir pub and browns farm)
- 53) Could have purchased properties on Main Street to provide an additional access
- 54) Nowhere for lorries or emergency vehicles to turn around, they would have to reverse
- 55) Lack of amenities in Thornton
- 56) Re-alignment of footpath would lead to users accessing the footpath further along the village, making more people use the narrow village pavements with potential consequences to road safety
- 57) Parking area to maisonettes would result in an increase in noise and light pollution and possible anti-social behaviour

- 58) Concerns of impact and pressures on existing tree belt on the site
- 59) Impact of high voltage cables on health
- 60) Impact on life of residents by construction of development and long-term problems the development will bring
- 61) School cannot expand so S106 contributions cannot be spent on the school
- 62) Not a sustainable location
- 63) 10m buffer zone between the trees at the bottom of the site should be there as LCC Ecology requests
- 64) Amended plans barely address the issues raised by various local authority bodies and have not addressed one single issue raised by the local community
- 65) LCC Public Right of Way have not been consulted, no longer have access to the PROW through residents property
- 66) Regardless of the current 5 year housing land supply this development would cause an adverse impact on the local community that would significantly outweigh the benefits
- 67) On greenbelt land
- 68) Have details been submitted showing how the development will follow best guidance for sustainable use of materials, site management, disposal of waste materials and energy efficiency. New house must be built to a low-carbon, energy and water efficient and climate resilient.
- 69) Contrary to DM17
- 70) Does not appear to be a need for more housing
- 71) Devaluation of existing properties

6. Consultation

6.1. The following consultees raised no objections, some subject to conditions:

- Environment Agency
- National Forest
- Coal Authority
- LCC Archaeology
- LCC Highways
- LCC Ecology
- LCC Drainage
- HBBC Conservation Officer
- HBBC Affordable Housing Officer
- HBBC Waste
- HBBC Environmental Health

6.2. The following contributions have been requested

- LCC Developer contributions:
 - Libraries £1,420
 - Waste - £3,204
 - Education – Primary £116,736; Secondary - £134,338.14
- George Elliot Trust (NHS) - £73,006.00

6.3. Consultees consulted but provided no comment:

- Severn Trent Water
- Leicestershire County Council Tree Officer
- Western Power Distribution
- National Grid/Cadent
- Cycling UK
- The Friends of Charnwood Forest

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 18: Green Space and Play Provision
- Policy 21: National Forest.
- Policy 22: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2020)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Design and Landscaping
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Thornton is identified as a Key Rural Centre within Policy 7 of the Core Strategy. These are settlements which have a variety of facilities and services including a primary school, local shop, post office, GP, community/leisure facilities, employment and regular access to public transport to surrounding areas. To support its role as a Key Rural Centre focus is given to development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 Policy 10 provides the policy framework for each Key Rural Centre within the National Forest. This supporting text identifies that the focus for these villages will be on creating a new 'sense of place', transforming these former mining villages into 'Forest Settlements' within woodland settings. The Policy does not allocate housing within Thornton, however a number of bullet points which are relevant to this application require that proposals should contribute to the delivery of the National Forest Strategy in line with Policy 21 of the Core Strategy; address the deficiencies in quantity, quality and accessibility of green space and play provision in line with Policy 19 of the Core Strategy; support proposals that contribute to the delivery of the Charnwood Forest Regional Plan.
- 8.6 On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply.
- 8.7 The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless material considerations indicate otherwise. The tilted balance of Paragraph 11d) (ii) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point'

for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.8 This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9 This site lies outside of the settlement boundary of Thornton and is identified as countryside on the Borough Wide Policies Map. Policy DM4 is applicable which seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.10 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. A number of categories of development are identified which would be classed as being acceptable in the countryside. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.11 This proposal is therefore in conflict with the spatial policies of the development plan, specifically Policies 7 and 10 of the Core Strategy and DM4 of the SADMP. However, paragraph 11(d) (ii) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Impact upon the character of the area

- 8.12 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.14 Policy 10 of the Core Strategy seeks to identify Thornton as a 'forest settlement' and supports proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21. Policy 21 of the Core Strategy requires new developments to reflect the Forest context in their accompanying landscape proposals, providing on-site or nearby landscaping that meets the National Forest development planting guidelines. The site is also within the Charnwood Forest, Policy 22 of the Core Strategy includes a number of bullet points that proposals should adhere to, the most relevant to this application being retain local character and complement the local landscape and enhance woodland and habitat provision and connectivity.

- 8.15 The Council's Good Design Guide SPD contains area-specific design guidance for each village. The site lies adjacent to the settlement boundary of Thornton. It is identified within the SPD that the village is situated on a ridge-top, and draws significant value from its landscaped context. Four design objectives are identified:
- Protect the landscaped setting of the village, particularly along its main approaches from the north-east and south-east/south-west, including the open edge of the reservoir and the setting of St Peter's Church
 - Protect and enhance the group of traditional farm structures to the north by avoiding an increase in density or loss of landscaping, and ensuring new development draws on traditional precedents for materials, detailing and orientation of farm structures
 - On Main Street, retain granite boundary walls and avoid further loss of architectural detailing, encouraging new development to draw on the settlement's agricultural and industrial vernacular past
 - As this settlement falls within the National Forest, development should meet the general design principles of the National Forest.
- 8.16 Within the Landscape Character Assessment for the borough the site is located within the Landscape Character Area B: Charnwood Fringe Settled Forest Hills. The key characteristics of this area is defined as:
- 1) Gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east.
 - 2) Contrast between areas which are visually open and enclosed depending on the elevation of the landscape and the presence of woodlands and vegetation.
 - 3) Large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements. Fields enclosed by hedgerows with scattered trees.
 - 4) Industrial heritage of quarrying and mining resulting in areas of restored land.
 - 5) Part of the National Forest and Charnwood Forest with areas of new woodland plantations associated with former industrial areas.
 - 6) Dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. Good public access and footpath network throughout, especially within National Forest area.
 - 7) Predominantly rural landscape with arable and rough set-aside, influenced by industrial / urban features such as masts, poles and pylons
- 8.17 The key sensitivities and values for this area are identified as:
- 1) Woodlands, copses and individual trees are important as areas of connective habitats such as hedgerows and river corridors which link to the nearby woodlands of the National Forest. They are also important for their recreational value for local communities.
 - 2) Rural character and the dispersed pattern of villages where the landscape away from the settlements is characterised by dark skies at night and a sense of tranquillity.
 - 3) Recreational value of the restored mining sites including Bagworth Heath Woods Country Park as well as the value for leisure and access provided by the network of footpaths and bridleways including the Leicestershire Round.
 - 4) Thornton Reservoir which provides a popular recreational facility on the edge of Thornton village.
 - 5) The historic and cultural associations with mining in the area related to the former pits.

- 6) The historic character of the landscape evident in the presence of Scheduled Monuments and the pattern of irregular fields of piecemeal enclosure and the small irregular fields surrounding settlements. Hedgerow boundaries and mature trees reinforce this character which also provides visual interest and biodiversity value.
- 7) Semi-improved grasslands and lowland meadow habitats which are particularly valued in the area due to the relative scarcity of biodiversity assets as a result of intensive farming regimes.

8.18 The Landscape Strategies for this area are:

- 1) Support the vision of the National Forest Strategy – to unify the forest area by planting native and mixed species woodland– as well as for areas beyond the National Forest boundary, encouraging, connecting and enhancing habitats such as hedgerows, tree planting, farm woodlands and lowland meadows.
- 2) Conserve and enhance the historic core of village settlements and ensure extensions are well integrated within this wooded landscape.
- 3) Restore typical zones of woodland types from alder, crack willow, hazel and grey willow in valleys, to oak/birch woodland on higher slopes; developing and managing transitional scrub communities between woodland and adjoining habitats.
- 4) The siting and design of new development should complement the existing settlement pattern. New developments, extensions or alterations should be of appropriate materials, scale, massing and location within their plot to the rural context of the area. Removal of traditional building features such as crown chimney pots and boundary walls of brick, stone, metal railings and timber fences should be avoided.
- 5) Conserve the historic features of the landscape including industrial heritage of mining villages, railways

8.19 The Landscape Character Assessment identifies Urban Character Areas (UCA); Thornton is UCA 13. It is identified that Thornton appears in local views from the wider landscape as a relatively small, ridgeline settlement; however it is acknowledged that views from the south around Bagworth Heath are towards modern development that extends onto the lower slopes and the settlement character departs from this linear pattern. Seven townscape strategies have been identified for Thornton:

- 1) Ensure that new development maintains or enhances local identity and setting of the village. Particular consideration should be given to the materials, scale, layout and form of new development in the context of the characteristics of the existing place, and discouraging inappropriate boundary treatments and placeless cul-de-sacs.
- 2) Maintain and enhance the rural character of the village by careful consideration of new lighting and encouraging protection of traditional features such as farm buildings, stone and brick garden walls, hedges and railings as well as important trees and open spaces.
- 3) Protect important views of the church and out into the open countryside.
- 4) Maintain and promote recreational links to surrounding open spaces and woodlands including the sites forming part of the National Forest network.
- 5) Encourage continued tree planting as part of the ongoing National Forest initiative, including planting of street trees and continued maintenance of existing open spaces.
- 6) Enhance the southern entrance into Thornton along Thornton Reservoir such as by framing views towards the church spire.
- 7) Consider visual impact on views from the wider countryside when planning new development, encouraging reinforcement of its linear form.

- 8.20 This application is supported with a Landscape and Visual Impact Assessment (LVIA). This identifies that the site is of medium value and the susceptibility to the type of change is medium and therefore the overall sensitivity of the site itself is considered to be medium. It is concluded that the impact upon the wider landscape would in the worst case be minor. The magnitude of change to the character of the site overall is assessed as very high, meriting an overall major/moderate adverse level of affect. Looking forward following the completion of the development it is considered by the report that maturation of the landscape strategy, in addition to vegetation within the local context, and in combination with the overall general acceptance of the scheme within the landscape, the magnitude of change at year 15 is likely to reduce to a high magnitude of change, yielding a moderate adverse effect upon the site and its immediate context. In regards to the wider local landscape character of the LAC the report considers due to the retention of existing mature landscape fabric, with the exception of the loss of views from the footpath internal to the site the development would not obscure views of the wider LCA and would largely be seen with existing development at Thornton yielding a very low magnitude of change. The report concludes that at worse case the impact upon the wider LCA would be minor adverse level of effects at year 1 and year 15.
- 8.21 The submitted LVIA also identifies the impacts on visual amenity and concludes that the impact upon the PROW which is within the site would be major and following the maturing of the landscaping this will alter to major/moderate after year 15. A further PROW lies within close proximity of the south-west of the site the impact is considered to be moderate at year 1 and moderate/minor after year 15. Other identified PROW within a 3km radius of the site are considered to experience a minor effect at both year 1 and 15 due to the visual containment of the site, residential context of the view and the short sections of the PROW from which the site is visible. Minor roads are considered to have a major/moderate effect during year 1 changing to moderate/minor affect after 15 years. The LIVA also identifies that residential receptors, namely those bounding the site, as having an overall major effect at year one, reducing to moderate after year 15 due to the views being softened by landscaping of the development along with the general establishment and general acceptability of change over this duration.
- 8.22 It is therefore concluded by the submitted LVIA that the development of this site for 49 residential dwellings would result in harm to the character of the immediate area to a major/moderate effect and the wider area to a lesser degree having a minor effect. The impact upon visual receptors within and adjacent to the site (neighbouring properties and the PROW within and nearby the site) would be higher than those within the wider landscape.
- 8.23 The site is bound by development on two sites. The development would result in the extension of Beech Drive and further housing to the rear of Main Street, which would impact further the erosion of the village's linear form along Main Street, contrary to Point 7 of the townscape strategy for Thornton. This would therefore cause harm to the landscape setting of the village of Thornton not only visually, but also to its historic plan form. It must however be acknowledged that the residential estate of Hawthorn Drive and Beech Drive has already encroached down the ridge from Main Street and altered the historic linear character of Thornton. Additionally, to the south east of the site the residential estate of Highfields, St Peters Drive and Oakwood Close has also established an area which alters the linear form of Thornton. The introduction of residential development on the application site would extend the Hawthorn Drive/Beech Drive estate. This would leave six fields (5 thin linear fields and one larger field) between the Highfields/St Peters Drive/Oakwood Close Estate, which is a distance of approximately 300 metres. Therefore, the linear

form of Main Street could still be appreciated in some areas and would not be lost completely.

- 8.24 Due to Main Street being an elevated ridge position and the site being on the slope the visual impact of the development when standing on Main Street would be limited. Along the section of Main Street adjacent to the application site the majority of properties being two storey built in close proximity to one another. There are some gaps within the built form along Main Street which provide views to the site and the wider countryside. These views would alter but it would not remove the views of the wider countryside as the views of the site would be limited to the roofscape of the development due to the topography and levels proposed for the scheme. The village will therefore retain its rural views from Main Street; however, it would be altered by the introduction of built form (largely roofs of the proposed development) within the immediate setting of a small stretch of Main Street.
- 8.25 The site contains a Public Right of Way, as discussed previously which the proposal seeks to divert through the residential development. This would significantly alter the experience of users of this public right of way within the site from rural edge to within an urban area. Amendments have been provided to provide a green and open transition from the footpath when entering the site from the countryside to the south-east. Whilst this impact to the users of the footpath would be significant, it is noted that the footpath does enter the village to the northern edge of the site and does experience an urban character and therefore this experience would be brought forward by approximately 150 metres.
- 8.26 The application would result in harm to the landscape character of the area contrary to Policy DM4 of the SADMP.

Design and Landscaping

- 8.27 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Council's Good Design Guide (SPD) sets out the process to be followed to ensure good quality design for new residential development
- 8.28 A number of amended schemes have been submitted following officer comments and comments from consultees. This has resulted in an alteration to the housing layout, amendments to landscaping, highways alterations and clarification of levels proposed.
- 8.29 Due to the existing topography of the site there are significant challenges for this scheme which include providing levels on site to achieve an acceptable gradient for the highway, useable private gardens, usable and practical open space provision. The applicant has provided sections through the proposed scheme to illustrate how the scheme would sit alongside existing development and also how the levels will change throughout the site. These challenges have resulted in the layout of the site being rigid to get the levels acceptable.
- 8.30 The existing building line along Beech Drive is generally mirrored by the proposal and the built form including the garden areas do not extend any further south west into the countryside than the existing garden boundary line. This ensures the development respects the existing form and character of the adjacent urban form.
- 8.31 The garden sizes for each property exceed the identified minimum garden sizes outlined within the Council's Good Design Guide and also exceed the minimum garden length. Separation distances are all in line with the requirements of the Good Design Guide. There are instances where some corner plots (10, 18, 21, 43, and 48) do not meet the back-to-side distance of 14 metre, however these are the

Wentworth House types which do not have any principal windows within the rear elevation and therefore it is not considered that the 14 metre distance is necessary in these instances.

- 8.32 There are 13 house types proposed for the site which are a mix of detached, semi-detached and maisonette dwellings. Several design features are included within the house types, including bay windows, chimney, eaves detailing and porch canopies. The designs of the house types are harmonious with one another however provide enough difference to provide interest within the street scene.
- 8.33 A large element of parking on site is within the curtilage of the dwelling which removes the dominance of the car from the street scene. Plots 30-33 are maisonettes and therefore a parking court is required for 4 parking spaces. Due to its positioning, it's small scale and the overlooking from the Maisonettes and other properties it is considered that this small parking court is acceptable and would not result in an area of anti-social behaviour. Plots 34 – 39 have parking to the frontage of the properties, this parking is broken up with landscaping to reduce the amount of hard landscaping within this area. This is the only instance of frontage parking within the development and opposite at plots 23-27 parking is to the side and these properties have front gardens, it is therefore considered that this frontage parking would not be harmful to the overall character of the development and is acceptable.
- 8.34 Due to the levels differences across the site a number of retaining walls will be necessary within the site, however these are within the rear gardens of properties, the largest structures being within the gardens of Plots 10-17. The submitted sections show that plot 10 would have a 3.6 metres (approx.) retaining structure along the boundary with Plot 29, this reduces to 1.2 metres (approx.). Retaining structures are present within the Beech Drive/Hawthorne Drive Estate both within the public areas and also within private gardens. This would not be an alien feature within the area and once the landscaping has matured the prominence of these structures will reduce.
- 8.35 Concerns have been raised through the consultation that the dwellings would be higher in height than the existing properties along Hawthorn Drive/Beech Drive. A section plan has been provided by the applicant which indicates on Section CC the properties along Beech Drive/Hawthorn Drive. This does show that the properties would be higher in height than the existing properties, however this is not considered to be a significant change in height which would be detrimental to the overall character of the area. The distance between the existing properties and the proposed range from 20-33 metres (approx.) and therefore the distance and perspective you would gain when viewing the properties together would not make the differences in height between the properties prominent and therefore is considered acceptable.
- 8.36 The site contains a belt of trees within the south western area of the site running north west – south east. The tree belt is to remain. Concerns were raised by Leicestershire County Council Ecology regarding the proximity of the trees to the proposed garden boundaries of Plots 1-9 and potential pressure for removal in the future. Following discussions between the applicant, LCC Ecology and the Case Officer the applicant provided a heads of terms for a Woodland Management Plan. The aim of the Management Plan is to secure the long-term protection and enhancement of the woodland's ecological and arboricultural value. This identifies that some trees will be removed to allow for better management and also to lessen the impact of the trees upon the proposed garden areas. LCC Ecology are satisfied with this amended strategy and raise no reason for refusal.
- 8.37 Additionally, the National Forest requested a site plan quantifying the areas of woodland and other green infrastructure which are proposed to be delivered as

there is capacity on site to do so. The Woodland Management Plan also includes a Post-Development Site-Wide Strategy Plan which identifies the National Forest planting typologies for the site and a table which identifies the breakdown of typologies in hectares. The document shows a total of 1.36ha National Forest Green Infrastructure across the site, which is in excess of the 20% or 0.61ha of National Forest Green Infrastructure required by Policy 21 of the Core Strategy. The National Forest have been consulted on the updated document, however comments have not been received to date.

- 8.38 Landscaping plans have been submitted with the application, however due to amendments to the scheme and comments from the National Forest these need to be updated. The applicant is currently working on the amendments to these plans but they have not yet been received at the time of writing this report and therefore a condition is required to secure the final landscaping plans for this scheme.
- 8.39 The applicant is providing a landscaped area to the south western part of the site, beyond the tree belt. This includes a SUDs feature and a footpath through, however no formal play space is proposed here due to the lack of overlooking and potential for anti-social behaviour issues. This area will include enhanced grassland to form a parkland style landscape. Around the perimeter of the site are areas of open space, this also will be planted with enhanced grassland with some tree planting. None of these pockets of open space north of the tree belt are of a sufficient size to accommodate a usable formal play area. Also due to the topography of the site the needs to accommodate this would require more land to allow for the levelling of the area for the safety of the play equipment. Therefore in this instance a formal play area on site is not provided. Thornton Community Play Area is 200 metres away from the north eastern boundary of the site (where the footpath meets Main Street). The site is therefore within an acceptable walking distance of an existing play area, therefore in this instance due to the site constraints it is reasonable for this development to contribute towards the enhancement of this formal play space rather than provide it on site.
- 8.40 The proposal would result in a well-designed scheme with a significant amount of landscaping, including existing and new tree planting to meet the aspirations and requirements of Policies 10 and 21 of the Core Strategy and Policy DM10 of the SADMP and the principles and requirements of the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.41 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. The Good Design Guide also identifies separation distances and other principles which should be adhered to ensuring existing and proposed residential amenity is protected.
- 8.42 The development site is adjacent to a number of properties along Main Street, Hawthorne Drive and Beech Drive. The Good Design Guide SPD identifies that a separation distance of 21 metres should be provided between principal windows to habitable rooms of neighbouring properties. Plots 30 – 42 back onto the properties along Main Street (nos. 120 – 132 and 178 – 186), the separation distances do not fall below the required 21 metres. In addition to this the proposed dwellings would be at a lower level than the existing properties (as shown by the site section plans) along Main Street and therefore would not have an overbearing impact upon the residential amenities of these properties.

- 8.43 The Maisonette flats (Plots 30-33) are designed to be dual fronted at both the front and side elevations and therefore provide a front to rear relationship to No. 7 Hawthorne Drive. The distance between the proposed dwellings and the existing is over 24 metres and is considered to be an acceptable distance that would not result in a harm to privacy or overbearing impact to that property. The Maisonettes are also separated from the boundary of Nos. 5 and 7 by a footpath and a landscaped area.
- 8.44 Plot 29 results in a side to back relationship with No.9 and 11 Hawthorne Drive, the separation distance between the existing properties and the proposed Plot 29 is over 33 metres. Additionally the properties are separated by a large area of landscaping. The distances are in excess of the 14 metre requirements of the Good Design Guide SPD. Plot 29 is not considered to detrimentally impact the amenity of Nos 9 and 11 Hawthorne Drive or any other existing dwellings within the vicinity.
- 8.45 Plot 10 is positioned to overlook the landscaped area and would provide a front to side relationship to No 7 Beech Drive. The separation distance between the two would be 24 metres (approx.). This distance is considered acceptable and Plot 10 would not have a detrimental impact to no7 Beech Drive in terms of privacy or overbearing.
- 8.46 Plot 1 is a blank side elevation and is 20 meters (approx.) from the side elevation of 12 Beech Drive. There is no harm to residential amenity from Plot 1 to no. 12 or any other neighbour within the vicinity.
- 8.47 As discussed above the separation distances between the proposed dwellings and the garden sizes either meet or are in excess of the requirements of the Good Design Guide SPD. It is considered that the proposal would provide acceptable living conditions for future residents.
- 8.48 Several responses have been received raising the negative impact upon mental health the development would have to existing residents. Whilst it is noted that a number of residents do not want this site to be developed there is no evidence to demonstrate how the development would impact upon mental health. As discussed above the development would include appropriate separation distances and is not considered to harm existing residential amenity in line with DM10 of the SADMP.
- 8.49 Concerns with construction have been raised through a number of consultation responses. Construction is a temporary impact, which is unavoidable with development, however mitigation measures can be implemented to limit the impact as much as possible. The applicant has submitted a construction environment management plan (CEMP) to indicate how the site would be managed during construction. This identifies that the construction hours would be 0800hrs – 1800hrs Monday to Friday and 0900 hrs – 1300hrs Saturday and no construction work on Sundays or Bank Holidays. The document also indicates that car parking would be provided on site for the ground workers. Deliveries would be restricted to the construction hours. The document also notes that delivery times will be managed to avoid the drop off and pick up times at Thornton's primary school and to avoid wagons waiting outside the site, suppliers will be advised to wait at the services on the A5111 by the M1 J22. Concerns have been raised that this services is now closed, therefore the document will need to be updated to identify a more suitable location for lorries to park. The document also identifies that wheel washers, sweepers, speed limits of construction traffic will be implemented to avoid dust and dirt during construction. The noise and vibration will be kept to a minimum by methods of work and will confirm where required with the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The document also notes that the developer will keep residents informed of activities through letter

drops, informing of large deliveries, any highway safety issues and a designated point of contact in case of problems.

- 8.50 Environmental Health have commented on this plan and requested that the plan will need to be updated to detail potential impact from light during the construction phase, i.e. if temporary lighting is to be installed, also it will need updating if piling is necessary on site. Therefore a condition to require a Construction Environmental Management Plan will be required to ensure the construction of the development is managed in a way to mitigate the impact of the development during construction.
- 8.51 The proposal would not result in a detrimental impact to both existing and proposed residential amenity and subject to the submission of an amended CEMP secured by condition the development is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.52 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.53 The proposal seeks vehicular access from Beech Drive, which is an unclassified road with a 30mph speed limit. The access to Beech Drive from Thornton Village is via the Hawthorne Drive/Main Street junction.
- 8.54 To support the proposed development an Automatic Traffic Counter was placed on Main Street, just east of its junction with Hawthorne Drive, to record the volume and speeds of traffic in both directions between Monday 24 February 2020 and Thursday 5 March 2020. This showed 85th percentile speeds on Main Street of 28.7mph northbound and 28.3mph southbound.
- 8.55 Given the recorded speeds, the LCC Highways would expect the Applicant to demonstrate visibility splays of 2.4m x 43m in line with table DG4 of the Leicestershire Highway Design Guide (LHDG). However, the Applicants have used the calculations from Manual for Streets for stopping sight distance based on 85th percentile speeds, which concludes that visibility splays of 40m would be sufficient in this location. LCC Highways accept that given the location of the site, the proposed method of calculating the visibility is considered acceptable.
- 8.56 The visibility drawings demonstrate that northbound visibility is restricted by the hedge at the corner of Hawthorne Drive, which overhangs the highway. The existing telegraph pole also partially obstructs the visibility. The Transport Assessment states that the achievable distance is 30m to a point 1m off the kerb line. However, a site visit by LCC Highways was conducted on the 23rd July 2020, during which maximum visibility splays of 23m southbound and 34.5m northbound were measured, these visibility splays are considered to be substandard.
- 8.57 Notwithstanding the above, the LCC Highways are mindful of the environment, (terraced housing, parked vehicles and the steep gradient of Hawthorn Drive), and that speeds are restricted along Main Street to 20mph during school drop off and pick up hours.
- 8.58 A further review of the visibility of the junction is being undertaken by LCC Highways and also by the Council's Highway Consultant. The outcome of this review will be reported to Committee as part of the late item along with any mitigation measures required.

- 8.59 LCC Highways have also raised that the proposed road layout does not conform to an adoptable standard, however have outlined a number of points to be addressed if the applicant wishes for the internal layout to be considered for adoption. The applicant has indicated that they would seek for the road to be adopted and will submit an amended plan to overcome the issues raised. Any changes made prior to the committee meeting will be raised through a late item.
- 8.60 LCC Highways also commented upon the Public Right of Way on site and note that this is to be diverted, they have no objections to the principle of this and acknowledge that the final details can be resolved via the imposition of conditions to any planning permission.
- 8.61 Parking provision is three spaces for all market dwellings both 3 and 4 bedroom dwellings, two parking spaces for the affordable 2 and 3 bedroom dwellings and 1 parking space for the 1 bed affordable dwellings. This is in accordance with the parking standards within the Leicestershire County Council Highways Design Guide and is therefore in accordance with Policy DM18 of the SADMP.

Impact upon the Historic Environment

- 8.62 In determining applications, paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As confirmed by the Council's Conservation Officer, the submitted Heritage Statement does provide a reasonable and proportionate assessment of the impact of the proposal on affected heritage assets and their settings.
- 8.63 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.64 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 190 of the NPPF also requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. There are no designated or non-designated heritage assets within the site itself. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.65 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.66 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 8.67 The applicant has submitted an Archaeological and Heritage Statement which identifies that the designated heritage assets within the wider landscape surrounding the application site (which includes two listed buildings – Grade I listed St Peter’s Church and the grade II listed Corner Cottage and a scheduled monument) would not be adversely affected by the proposed development either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting.
- 8.68 The Council’s Conservation Officer is in agreement with this assessment and finds no conflict with Policies DM11 and 12 of the SADMP and the Section 16 of the NPPF.
- 8.69 Leicestershire County Council Archaeology have noted that prehistoric and roman activity are recorded in the vicinity of the site and note that the site has been subject to geophysical survey of which the results of the work were largely inconclusive. For this reason it is considered that further intrusive archaeological investigation is necessary in order to test the archaeological potential of the site and to complete any necessary archaeological mitigation prior to the commencement of development. A condition is therefore recommended that requires a written scheme of investigation with an initial stage of trial trenching to be submitted to and approved in writing by the Council prior to the commencement of development. This is considered necessary to ensure necessary mitigation is in place. Subject to this condition the proposal is in accordance with Policy DM13 of the SADMP.

Drainage

- 8.70 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.71 The applicant has submitted a Flood Risk Assessment alongside the application. The site is located within Flood Zone 1 being at low risk of fluvial flooding. There is a low risk of surface water flooding along the western boundary of the site. The application has demonstrated that the surface water for the scheme is to discharge via an attenuation basin into the watercourse located to the south-west of the site and the post development discharge rate would match the current greenfield run-off rate.
- 8.72 Leicestershire County Council as the Lead Local Flood Authority (LLFA) have stated that the proposals are acceptable and request 3 conditions in regards to surface water drainage for the proposed development, surface water drainage during construction and the long term maintenance of surface water drainage for the site. The drainage consultant for HBBC has raised no objections to the proposals and advises 3 conditions in line with the LLFA.
- 8.73 Subject to the imposition of the identified conditions the proposal would not create or exacerbate flooding and is in line with Policy DM7 of the SADMP.

Ecology

- 8.74 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.75 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.76 An Ecology Survey has been submitted with the application. No evidence of protected species have been found on site, however badgers are a possibility in the future and their status on the site should be kept under review. The grassland is

moderately species-rich however it does not meet the Local Wildlife Site (LWS) criteria. These findings are the same as previous surveys on site for earlier applications.

- 8.77 A veteran Oak Tree has been identified as meeting the LWS criteria. This tree is to be retained on site within a landscaped area outside of private gardens.
- 8.78 A biodiversity impact assessment has been carried out and has confirmed a net biodiversity loss to habitats, however off site compensation is suggested by the applicant. LCC Ecology are accepting of the strategy as none of the habitats on site are of particular significance or require conservation in situ apart from the mature Oak Tree, which is being retained with adequate protection.
- 8.79 As discussed previously the landscaping plans are currently being update as a result of comments from consultees and the woodland management plan. The general landscape strategy is accepted by LCC Ecology and subject to a condition requiring final plans this is acceptable.
- 8.80 LCC Ecology recommend conditions requiring a 5 metre buffer zone between hedgerows and private gardens. The scheme identifies a 3 metre gap between the hedgerows and the garden boundaries of the properties, whilst this is less than the requested 5 meters it is not considered sufficient to refuse the application on this issue and therefore the condition is not considered to be necessary. A condition requiring the retention of the veteran Oak (T9) with natural open space within the crown is also requested, this can be accommodated within the landscaping plans which are secured by condition. A condition requiring plans demonstrating on site biodiversity enhancements to the value outlined in EDP's report this information has been provided within the woodland management strategy and therefore a condition is not considered necessary. Off site enhancements to the value identifies in EDPs report is also requested and will be secured by a Section 106 obligation. LCC Ecology also request that an updated badger survey within three months prior to site clearance is required by condition, this condition is considered necessary to mitigate the impacts of the development upon protected species. Subject to these conditions it is considered the development would not harm the nature conservation of the site and is in accordance with Policy DM6 of the SADMP.

Contaminated Land

- 8.81 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.82 A Geo-environmental Assessment has been submitted alongside the application. Environmental Health have commented on this document stating that the report does not consider potential impact from pesticides owing to previous agricultural use which should be justified or considered. The applicant has confirmed that 'no pesticides have ever been used on the field. They have been farming the site for over 50 years. They have cut the grass for hay this year so no animals have been on land this year.' Environmental Health have confirmed that this adequately addresses the question. Additionally the report states that Severn Trent should be given the opportunity to comment regarding water supply pipes. Severn Trent water were consulted twice during the course of this application but no comments have been received. It is therefore considered necessary to include a condition requiring a contaminated land assessment to be submitted prior to the commencement of development.
- 8.83 Details of noise are discussed within the residential amenity section above, however Environmental Health have requested construction times be conditioned to the 0730hrs – 1800 hrs Monday – Friday, 0800hrs – 1300 hrs Saturday and no working on Sundays/Bank Holidays. This is considered reasonable to ensure

residential amenity is protected from disturbance of construction in accordance with Policy DM7 and DM10 of the SADMP.

Housing Mix and Affordable Housing

- 8.84 Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on the site with a tenure split of 75% social or affordable rent and 25% intermediate tenure.
- 8.85 Policy 16 of the Core Strategy states that on sites of 10 or more dwellings a starting point for housing mix is the most recent housing needs survey. Additionally the policy requires a density of at least 30 dwellings per hectare within the rural areas, unless exceptional circumstances individual to the site can dictate lower densities are acceptable.
- 8.86 The applicant is providing 40% affordable housing on site with the provision of 20 dwellings, 4 x 1 bedroom, 8 x 2 bedroom and 8 x 3 bedroom properties. Of which 15 are to be rented and 5 for intermediate tenure. This meets the Policy requirements of Policy 15 of the Core Strategy. The affordable housing officer has noted that this would provide a 'good mix of property types and the dwellings are of an acceptable size'. Additionally, the affordable housing evenly spread in clusters across the site and provides an acceptable distribution. The Housing Register on 14th May 2021 shows a total of 161 applicants on the waiting list for affordable rented housing in Thornton, of which 4 have a local connection. A local Housing Needs Survey was carried out in Thornton in January 2017 which identified a need for 12 affordable homes; 5 x 1 bed, 2x 2 bed and 2 x 4 bed for affordable rent and 1 x 1 bed and 1 x 4 bed for shared ownership. Due to the site being within the rural area of the borough a local connections policy shall be included within the S106 agreement to allow people with a connection to the parish of Bagworth and Thornton to be considered first and in the absence of applicants with a connection to the parish a connection to the Borough will be considered.
- 8.87 The residential development area/developable area (excluding Green Infrastructure areas, open space and SuDS) amounts to circa 1.7ha, which equates to a density of 29 dwellings per hectare (dph). This is 1 dwelling less than the required 30 dph of Policy 16, however it is considered due to the topography of the site this small reduction is acceptable and would not result in an underutilisation of the land.
- 8.88 The overall housing mix for the site is:
- 10 x 4 bed dwellings (20% of site wide dwellings/)
 - 27 x 3 bed dwellings (55% of site wide dwellings)
 - 8 x 2 bed dwellings (17% of site wide dwellings)
 - 4 x 1 bed dwellings (8% of site wide dwellings)
- 8.89 The most recent housing needs study is the Housing Needs Study (2020) which identifies a suggested mix for Market Housing this identifies that the provision of market housing should be more focused on delivering smaller family housing for younger households. Whilst there is a higher percentage of 4 bedrooms dwellings and no 2 bedroom dwellings for market housing, this does not reflect the suggested housing mix on site. However, taking into consideration the affordable provision on site this results in a good mix of housing sizes and tenures on site to meet the housing needs of the borough and the village. The deviation of the housing mix from the most up to date housing needs survey is not considered in this instance sufficient to warrant refusal on this issue.
- 8.90 Infrastructure Contributions

- 8.91 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.92 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.93 No issues of viability have been raised by the applicant and a draft heads of terms has been submitted by the applicant.

Play and Open Space

- 8.94 Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions.
- 8.95 The table below provides the policy requirements for open space on site for the development in accordance with Policy 19 of the SADMP and the Open Space and Recreation Study 2016. It is acknowledged that equipped children's play space and casual informal play spaces are not to be provided on site, for the reasons given earlier in this report and therefore a provision and maintenance contributions is not required.

	Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 49 dwellings (square metres)	Onsite maintenance contribution (20 years) if the open space is to be transferred to the Parish/ Council	Provision Contribution	Off site maintenance (10 years)
Equipped Children's Play Space	3.6	176	None	£32,092.45	£15,487.92
Casual/ Informal Play Spaces	16.8	823	None	£3,655.01	£4,445.28
Outdoor Sports Provision	38.4	1882	N/A	N/A	N/A
Accessibility Natural Green Space	40	4400	£159,040.00	None	None

- 8.96 The nearest off site public open spaces which provides equipped children's play space and casual/informal play space is Thornton Community Play Area (THO06) and Thornton Recreation Ground (THO07), which have quality scores of 78 and 70 respectively. The target quality score is 80% and therefore a contribution is considered justified and necessary in this instance. There is no outdoor sport provision within the parish of Bagworth and Thornton and therefore it is not

considered reasonable to request an off-site contribution towards outdoor sports provision in this instance.

Education Contributions

- 8.97 Leicestershire County Council Education have identified that the site falls within the catchment area of Thornton Primary School, which has a net capacity of 140 and 148 pupils are projected on the roll should this development proceed resulting in a deficit of 8 pupil places. The development would create a need for 14 pupil places. There are currently no pupil places being funded from S106 agreements from other developments within the area. Therefore the deficit of pupil places created from this development must be mitigated. A contribution of £116,736.00 is requested towards the improving, remodelling or enhancing facilities at Thornton Primary School or any other school within the locality of the development to accommodate the additional pupil places required by this development.
- 8.98 It has also been identified that the site falls within the catchment area of South Charnwood High School (secondary school) which has a net capacity of 714 and 890 pupils are projected on roll if this development were to proceed, factoring in existing S106 agreements this results in a deficit of 174 pupil places. This development would result in a need for 8 pupil places. There is one other school within a three mile walking distance – Bosworth Academy which has a deficit of 29 (after deducting S106 funded places). There is an overall deficit of 203 pupil places and the 8 pupil places generated by this development cannot be accommodated at nearby schools. Therefore a contribution of £134,338.14 is requested towards improving, remodelling or enhancing the facilities at South Charnwood High School or any other school within the locality of the development to accommodate the additional pupil places required by this development.
- 8.99 These contributions are considered necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Civic Amenity

- 8.100 LCC Waste Team have identified based upon residents generating approximately 1.054 tonnes of waste per household it is considered that approximately 20% of this is processed through household waste recycling centres (HWRC). It is therefore concluded that the development would generate an additional 10 tonnes of waste to a HWRC and would therefore place additional demand on the site and a request of £3,204 is requested to mitigate this impact at Coalville HWRC site. In addition to this in accordance with paragraph 8(c) of the NPPF which seeks to mitigate the impacts of the development and reduce waste arising from the development a condition is requested requiring a Waste Minimisation and Recycling Pack to be provided to each property upon occupation. Both the condition and the contribution are considered acceptable and necessary to mitigate the impacts of the development.

Libraries

- 8.101 LCC Libraries have identified that the proposed development would add 141 people to the existing libraries catchment population. The nearest library to the development is Markfield Library which is 3.2km away from the site. In order to provide the additional materials to meet the needs of the increased population and mitigate the impacts of the development a contribution of £1,420 is requested.

NHS West Leicestershire CCG – Health Care

- 8.102 No response has been received from West Leicestershire CCG, if one is received following the publication of this report then a late item will provide an update to the request.

George Elliot NHS Trust

- 8.103 GEHT requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £73,006.00 towards the 12 month gap in the funding in respect of A &E and acute care at GEHT.
- 8.104 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by GEHT to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. GEHT is unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. GEHT has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by GEHT for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.105 This request is therefore not considered to meet the test of the CIL Regulations.
- 8.106 A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the Hospital Trusts to warrant or justify the contribution sought against the CIL Regulations.

Other Issues

- 8.107 HBBC's Agricultural Quality of Land Surrounding the Settlements in Hinckley and Bosworth District Report (2020) estimates that the element of the majority of the site before the tree belt is estimated subgrade 3a with a small element estimated to be subgrade 3b, the land beyond the tree belt is estimated to be subgrade 3b agricultural land. Due to the topography of the site and its wetness limitations this limits the agricultural quality as modern commercial farm machinery cannot be used in a safe and efficient manner and the risk of soil erosion for land under cultivation is also a limiting factor. The loss of this land is should be given limited weight when balancing the merits of the scheme.
- 8.108 The application site does not fall within the defined Development High risk Area and is located within the defined Development Low Risk Area, no requirement for a Coal mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- 8.109 HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection

- 8.110 Concerns have been raised with the development impacting the value of properties, this is not a material planning consideration and cannot be taken into account when assessing the application.
- 8.111 Loss of views were raised through the consultation, there is no right to a view and this is not a material planning consideration. A full review of the impact upon residential amenity has been undertaken in an early section of the report.
- 8.112 Concerns have been raised with the high voltage line running across the site. The developer has confirmed that this cable will be ran underground within the development site.

9. Planning Balance

- 9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.2 The proposal would be in conflict with Policy DM4 of the SADMP and Policy 10 of the Core Strategy as the site is within open countryside. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Thornton and would result in a major/moderate degree of harm to the immediate landscape at year 1 occupation which would conflict with Policy DM4. The development however would have a minor degree of harm within the wider landscape area, due to the existing and proposed planting and would read against the existing residential development on Main Street and the Beech Drive/Hawthorne Drive estate.
- 9.3 The proposal would result in the loss of agricultural land estimated to be grade 3a and 3b Agricultural Land. However the topography of this site limits the quality and therefore the loss of this agricultural land is given limited weight.
- 9.4 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 49 houses (including 20 affordable homes). The Development Plan does not allocate dwellings for the village of Thornton as it seeks to allocate housing in Bagworth to improve the provision of services for the village. Thornton is identified as a Key Rural Centre in Policy 10 and has a number of services including a Primary School, a Community Centre, a Local Shop, Public House and a Garden Centre and is therefore considered a sustainable location for residential development.
- 9.5 Paragraph 11 (d) (ii) of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.6 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.7 The provision of 49 dwellings, of which 20 are affordable, would provide a social benefit to both the village and the borough and would help maintain and support local services of Thornton. The proposal would also contribute towards improvements of the existing play provision for the village.

- 9.8 Some environmental benefits would be provided by the development with additional tree planting, the creation of accessible natural green space and the creation of habitats and better management of the existing woodland on site..
- 9.9 A careful balance must be made with this application due to the harm identified to the character of the area; however due to the limited impacts upon the wider landscape it is considered that the harm would not be significant and demonstrable to warrant refusal in this instance. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality implications

- 10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM11, DM12, DM13, DM17 and DM18 of the SADMP.
- 11.3. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date, additionally the Council cannot demonstrate a 5 year housing land supply. The 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.4. The proposal is outside the settlement boundary of Thornton and is therefore contrary to Policy 10 of the Core Strategy. The proposal is within countryside and therefore Policy DM4 applies. Residential development is not identified in Policy DM4 as an acceptable use within the countryside.

- 11.5. The proposal is identified to have major/moderate adverse impacts upon the immediate localised landscape and the public footpath running through the site. To the wider landscape the harm is identified at a minor low level adverse impact.
- 11.6. The design of the proposal is considered to be acceptable in line with the Council's Good Design Guide SPD, with a mix of house types, appropriate garden sizes and separation distances. There is no identified harm to existing residential amenity due to the layout, separation distances and levels of the site.
- 11.7. The proposal provides both social benefits through the provision of market and affordable housing and the provision of accessible natural green space. Some economic benefits arise both temporarily from construction and from the spending of future residents from the development. Whilst there is identified environmental harm to the landscape, there are also environmental benefits with additional tree planting and green infrastructure on site in line with the National Forest requirements. Biodiversity net loss is identified on site; however the developer is seeking to provide a contribution to mitigate this loss to provide a natural impact to biodiversity.
- 11.8. The identified harm to the immediate landscape is not considered to be significant and demonstrable and therefore the benefits of the scheme outweighs the harm.

12. Recommendation

12.1 Grant planning permission subject to

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% affordable housing provision on site
 - Play and open space – off site provision £55,680.66; on site - £159,040.00 (if the open space on site is transferred to the Parish of Council)
 - Education – Primary £116,736.00; Secondary - £134,338.14
 - Civic Amenity - £3,304
 - Library - £1,420
 - Off-site biodiversity improvement contribution or works
- Planning conditions outlined at the end of this report

12.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

12.3 That the Planning Manager be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.

12.4 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Dwg No. 3520 - 04A - Parking Layout.pdf

Dwg No. ADC1092-DR-066-P1 Swept Paths Refuse

Dwg No. 3520 - 06Z Proposed Site Plan

Dwg No. ACD1092-DR-005-P1 Internal Layout Design Layout

Dwg No. ADC1092-DR-110 P3 S38 Works Horizontal Annotation

Dwg No. ADC1092-DR-115 P2 S38 Works Vertical Annotation
Received 13/05/2021

Dwg No. 3520 - 02C - Materials Plan
Dwg No. 3520 - 03C - Hard Landscaping & Boundaries
Dwg No. 3520 - 10A - Tatton
Dwg No. 3520 - 11A - Lyme +(Render)
Dwg No. 3520 - 12A - Lyme +
Dwg No. 3520 - 14A - Sudeley V
Dwg No. 3520 - 15A - Sutton +
Dwg No. 3520 - 16 – M2
Dwg No. 3520 - 17A - HQI 3-1
Dwg No. 3520 - 18A - HQI 2-1
Dwg No. 3520 - 23A - Wentworth
Dwg No. 3520 - 24A - Wentworth (Render)
Dwg No. 3520 - 25A - Holdenby detached
Dwg No. 3520 - 26A - Waddesdon (Half Render)
Dwg No. 3520 - 27A - Double Garage
Dwg No. 3520 - 28A - Single Garage
Dwg No. 3520 - 29 - Cropston
Dwg No. 3520 - 30D Site Sections
Dwg No. 3520 - 31 - Cropston (Half Render)
Dwg No. 3520 - 32 - Street Scenes
Dwg No. 3520 - 33 - HQI 3-1 detached
Dwg No. 3520 - 34 - Sutton
Dwg No. 3520 - 35 - Waddesdon
Received 12/05/2021

Dwg No. ADC1092-DR-100 P4 S38 Works General Arrangement – received
16/06/2021

Edp6140_r006-A-HoT for Woodland Management Plan – received 23/06/2021

Site Location Plan – received 01/06/2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure surface water shall not drain into the Public Highway.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

6. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document 2016.

7. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document 2016.

8. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Construction work of the development, hereby permitted, shall not take place outside of the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays or at any time on Sundays and Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:
- Measures to prevent waste generation
 - Information on local services in relation to the reuse of domestic items
 - Information on home composting, incentivising the use of a compost bin and/or food waste digester
 - Household Waste Recycling Centre location, opening hours and facilities available
 - Collection days for recycling services
 - Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

11. No development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

12. Before any development commences on the site, including site works of any description, a Biodiversity & Woodland Management Plan, in line with the approved edp6140_r006-A-HoT for Woodland Management Plan – received 23/06/2021, and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity and have a long-term management and

maintenance plan in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC General Arrangement drawing number ADC1092-DR-100 revision P4 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document 2016.

14. No part of the development hereby permitted shall be occupied until such time as forward vehicular visibility splays of 25 metres have been provided at the speed control bends fronting plots 18 & 21. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document 2016.

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ADC General Arrangement drawing number ADC1092-DR-100 revision P4. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019) in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document 2016.

16. No development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management and Method Statement has been submitted to the Local Planning Authority for approval in writing and has been so approved. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- h) hours of construction work, including deliveries and removal of materials;
- i) full details of any piling technique to be employed, if relevant;

- j) location of temporary buildings and associated generators, compounds, structures and enclosures
- k) full details of any floodlighting to be installed associated with the construction of the development
- l) detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination;
- m) details of how such controls will be monitored;
- n) the procedure for the investigation of complaints.

The agreed details shall be implemented throughout the course of the development.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall take place until a scheme (including timetable for its implementation and completion) for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable. In designing the scheme, the developer should include the following elements –

- a) Where a Public right of way crosses a carriageway, drop kerbs shall be provided
- b) No trees shall be planted within 1 metre of the edge of the Public Right of Way. Furthermore, any trees or shrubs planted alongside a Public Right of way should be non-invasive.
- c) Any changes to the existing boundary treatments running along the Public Right of Way must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
- d) The need to adapt or remove any existing street furniture within the boundary of the existing or proposed route of the Public Right of Way. Any changes to street furniture must be undertaken prior to the first occupation of the development
- e) A comprehensive signing scheme in respect of the Public Right of Way will be installed prior to the completion of the development.

Reason: To protect and enhance access for all to Public Rights of Way and by promoting ease of use, enhancing facilities and reducing instances of overgrowth of the path in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

18. An updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months prior to the site clearance. The development shall be carried out in accordance with any mitigation measures outlined within the survey.

Reason: To ensure the development does not harm protected species and provides adequate mitigation in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document 2016.

- 19 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: Section 3 of the FRA indicates that the "underlying ground conditions appear to be impermeable in nature" and therefore these measures are required to minimise the risk of pollution to local watercourses due to contaminated runoff during the construction phase in accordance with DM7 of the Site Allocations and Development Management Policies DPD.

Planning Committee 20 July 2021
Report of the Planning Manager

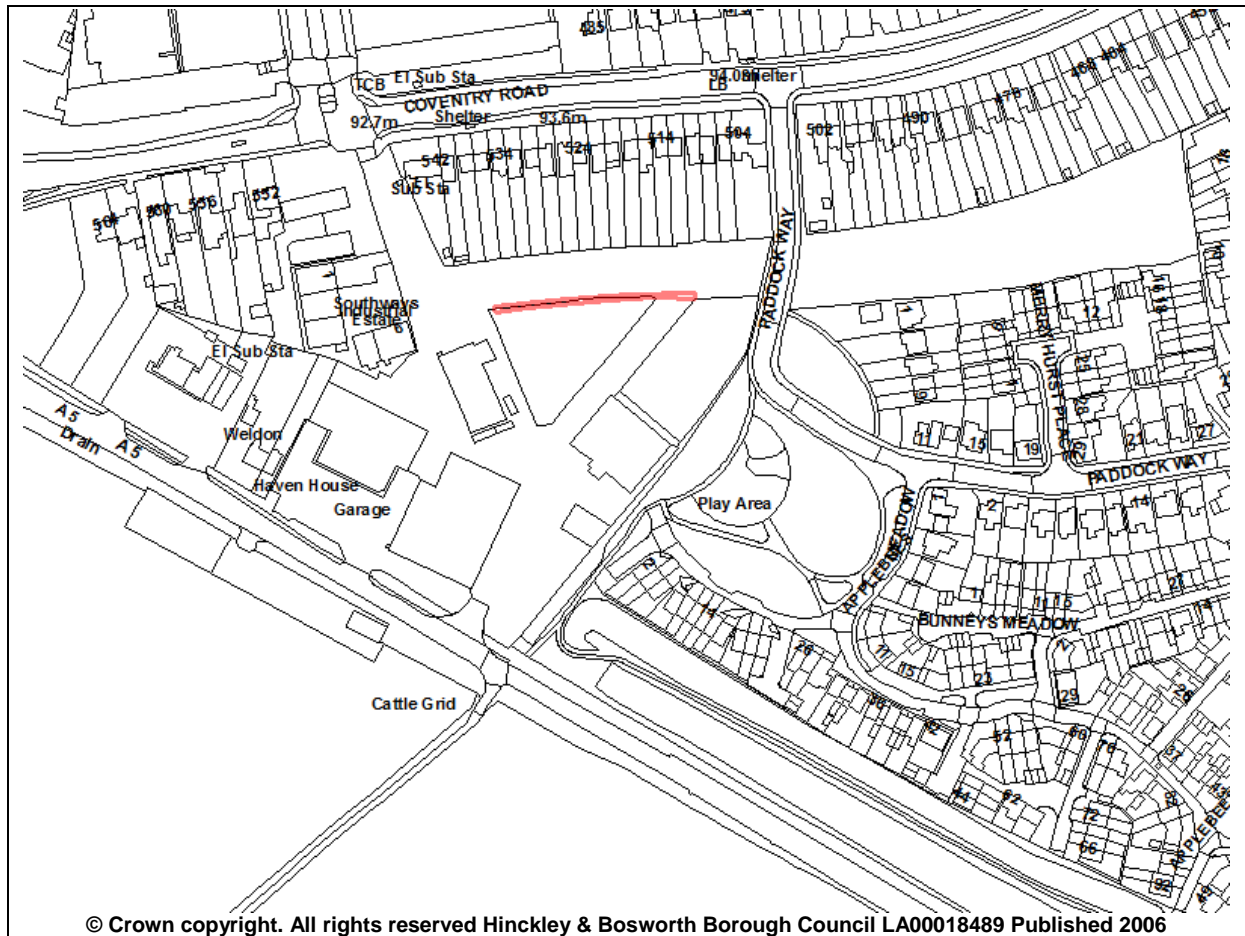
Planning Ref: 20/00191/FUL
Applicant: Mr Nigel Payne
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Paynes Garages Ltd Watling Street Hinckley

Proposal: Installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective)



This application was taken to a previous Planning Committee on 28th July 2020. The resolution of this committee was to defer the decision in order to allow for a meeting with the applicant. The previous is attached to this report as Appendix A.

1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. This application seeks retrospective full planning permission for the installation of 4 x 5 metre high lamp metal columns and associated lighting units (Xcite 100W Road Lanterns) on land used as a staff car park serving Paynes Garage Limited. The lamps are replacement lighting units of the older sodium lamps.
- 2.2. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only when sufficiently dark.
- 2.3. The four 5 metre high lamp columns are sited in an east - west line with approximately 26 metre spacing and located approximately 22 metres from the north boundary of the car park.
- 2.4. A further visit to the site was undertaken by officers on 2nd June and the issues related to the previous application in regard to existing lighting issues have been resolved by limiting the hours of operation.

3. Description of the site and surrounding area

- 3.1. The application site forms part of a designated employment site (reference HIN118) The lamp columns that are the subject of this application are located within an extensive area of land with loose surfacing used for the parking of motor vehicles in association with the commercial/employment premises located to the west and south. Uses include car sales, vehicle servicing and repair etc. To the north of the car park there are residential properties with long rear gardens and the Paddock Way highway lies to the east. The site is enclosed by solid timber fencing of at least 2 metres in height to the north and east boundaries.

4. Relevant planning history

03/00329/FUL

- ALTERATION TO VEHICULAR ACCESS
Permission
09.05.2003

94/00114/ADV

- SIGNS
Advertisement Consent
23.03.1994

95/00636/TEMP

- RETENTION OF SALES OFFICE
Permission
21.09.1995

96/00174/TEMP

- RETENTION OF SALES OFFICE
Permission
11.04.1996

98/00238/FUL

- EXTENSION AND EXTERNAL ALTERATIONS TO EXISTING GARAGE AND PROVISION OF CONCRETE APRON APPROACH
Permission
03.07.1998

99/00610/FUL

- RETENTION OF ROOF DUCTS
Permission
27.08.1999

05/00588/FUL

- WORKS TO HEDGE AND ERECTION OF BOUNDARY FENCE
Permission
11.08.2005

05/00940/ADV

- DISPLAY OF GARAGE SIGNAGE
Advertisement Consent
22.11.2005

06/00027/FUL

- ERECTION OF REPLACEMENT FENCE (AMENDED SCHEME)
Permission
09.03.2006

06/00905/TPO

- WORKS TO 4 TREES
Permission
13.10.2006

11/00244/TEMP

- RETENTION OF TEMPORARY BUILDING FOR USE AS SALES OFFICE
Permission
24.05.2011

11/00246/FUL

- ERECTION OF PREFABRICATED BUILDING
Permission
13.06.2011

13/00687/CONDIT

- Removal of condition no. 3 of planning permission 06/00027/FUL to remove the boundary hedge
Permission
13.11.2013

14/00405/FUL

- Retention of used car sales office
Permission
02.09.2014

14/01138/COU

- Part change of use from vehicle repair workshop (Use Class B2) to vehicle showroom (Sui Generis) including alterations and the demolition of an existing lean to extension.
Permission
21.01.2015

14/01183/ADV

- Display of replacement fascia and freestanding totem signs
Advertisement Consent
01.04.2015

16/00540/CONDIT

- Removal of condition 2 of planning permission 13/00687/CONDIT to
remove the submission of a tree removal method statement
Permission
24.01.2017

16/00804/FUL

- Steel framed workshop building
Permission
28.10.2016

89/00092/4

- PROPOSED OFFICE EXTENSION ALTERATIONS TO FORM NEW CAR
SHOWROOM REFURBISHMENT OF EXISTING WORKSHOP AND
FORMATION OF NEW VEHICULAR ACCESS
Permission
21.03.1989

90/01266/4

- ERECTION OF CANOPY
Permission
22.01.1991

90/00975/4

- RETENTION OF PREFABRICATED SALES OFFICE
Permission
19.10.1990

82/00158/4

- STORAGE AND SALE OF LOW PRESSURE PROPANE GAS
Permission
23.03.1982

80/00992/4

- ADDITIONAL PARKING AREA
Permission
22.07.1980

79/00371/4

- ERECTION OF USED CAR SALES OFFICE AND MEN S WASHROOM
Permission
25.04.1979

77/01580/4M

- EXTENSION TO BODY PAINT SHOP
Permission
20.12.1977

77/01301/4M

- ERECTION OF OFFICES
- Permission
25.10.1977

76/00894/4

- FORMATION OF ADDITIONAL CAR PARK FOR HEAVY VEHICLES
Permission
24.08.1976

76/01203/4

- ERECTION OF CAR SHOWROOM
Permission
26.10.1976

92/00835/4A

- INTERNALLY ILLUMINATED FASCIA SIGN
Advertisement Consent
07.10.1992

92/00322/4A

- SIGNS
Advertisement Consent
16.06.1992

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
 - Responses from five separate addresses have been received raising concerns of light pollution

6. Consultation

- 6.1. LCC Highways were consulted and have no objections.
- 6.2. HBBC Environmental Health were consulted and have no objections.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM19: Existing Employment Sites
- 7.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)
 - Employment Land and Premises Review (2013)

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Sustainable development
- Employment

Design and impact upon the character of the area

8.2 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.

8.3 The existing lighting columns replace a row of sodium gas lighting columns, and the site is within a car dealer's forecourt which requires illumination for health and safety reasons. The lighting columns can therefore be considered to be a characteristic feature of the immediate setting of this employment site. Street lighting can be found within the neighbouring streets which are of a similar size and brightness as those erected at the application site

8.4 The lighting scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP in such respects.

Impact upon neighbouring residential amenity

8.5 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.6 Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that all reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.

8.7 Objections have been received on the grounds that the lighting scheme results in light pollution and light intrusion to neighbouring residential properties.

8.8 The lighting units are controlled via a light sensor and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only then when sufficiently dark to trigger the light sensor. This is generally for the 5 months of the year (November to March) where Greenwich Mean Time (GMT) applies.

8.9 Notwithstanding objections received, by virtue of the existing enclosure of the site by 2-metre-high solid timber boundary fencing which is to be retained and intervening trees,, the installation of lighting columns within this (this?) car park is not considered to result in any significant adverse impact to the amenity of neighbouring occupiers.

8.10 HBBC Environmental Health Officers have raised no objections in regard to any adverse impacts to the health and wellbeing of neighbouring occupants in connection to the replacement lighting columns.

8.11 By virtue of the appropriate siting, and 22-metre separation distance to the site boundary and the scale and downward design of the lighting scheme, subject to the control of illumination to reasonable hours, the scheme would not result in any significant adverse impacts from light pollution or amenity of neighbouring occupants. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Sustainable development

- 8.12 Policy DM2 supports the delivery of low carbon developments where they avoid any adverse impacts and accord with other policies of the local plan.
- 8.13 LED lights are known to be an efficient method of illumination, with roughly 99% of street lamps recently having been replaced with LED technology across Leicestershire, which has more than halved energy usage. These lights use less electricity and have less light dispersal, which can bring about reductions in carbon emissions as well as a reduction in light pollution. This contributes to the Borough Council's target of being carbon-neutral by 2030.
- 8.14 Turning off lights when not in use is listed by HBBC as one of the measures that can be undertaken by businesses to reduce the amount of carbon caused by our energy consumption. This proposed lighting columns are automated to turn off the lights when not required, thus reducing energy consumption.
- 8.15 The HBBC Climate Change Strategy includes within the vision 'To ensure every decision of the council considers the climate impact'. It is considered that the installation of the LED lighting columns would be a positive step in reducing emissions and would represent a low carbon development. Consequently this application is considered to be in accordance with Policy DM2 of the SADMP.

Employment

- 8.16 The application site is located within the allocated employment site referenced HIN118 at Paynes Garage, South of Coventry Road in Hinckley, as such Policy DM19 applies.
- 8.17 The site is allocated as a 'Category A' employment site, this is a key/flagship employment area to be retained. The development applied for would support the operations at this site. The lighting columns can be considered to be ancillary to the operations at the site therefore helping to retain the use of the site, classified as Category A in its entirety for its existing use.
- 8.18 Consequently it is considered that the development is in accordance with Policy DM19 of the SADMP.

Equality implications

- 8.19 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.20 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.21 There are no known equality implications arising directly from this development.
- 8.22 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9 Conclusion

- 9.1. The development is located within the settlement boundary of Hinckley, as such the presumption in favour of sustainable development applies. This is set out in paragraph 11 of the NPPF and Policy DM1 of the SADMP.
- 9.2. By virtue of the siting, scale, and design the lighting columns, which enhance the appearance of the site, as well as the considerable separation distances to any neighbouring properties and the design of the lighting units which point downwards to minimise light pollution, together with the imposition of a condition to restrict the hours of use of the lighting to the minimum that are strictly necessary. The scheme is not considered to result in any significant adverse impact on the amenity of any neighbouring occupants. The scheme is therefore considered to be wholly in accordance with Policies DM1, DM2, DM7, DM10, and DM19 of the SADMP and is therefore recommended for approval pursuant to the following conditions.

10. Recommendation

10.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

10.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing reference TQRQM20064140812668, Site Plan Drawing reference TQRQM20064141310364 and Thorn Lamp Column Elevation/Technical Details Drawing No. 35919-1 received by the local planning authority on 9 March 2020 and Xcite LED Lantern Details received by the local planning authority on 7 April 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The external lighting hereby permitted shall not be switched on other than between the hours of 6.00am to 8.00am in the mornings and between 4.30pm and 6.30pm in the evenings.

Reason: To protect the occupiers of neighbouring residential properties from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Within six months of the date of this planning permission, the existing three redundant lamp columns located along the north boundary of the car park shall be removed from the site.

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

APPENDIX A

Planning Committee 28 July 2020
Report of the Planning Manager

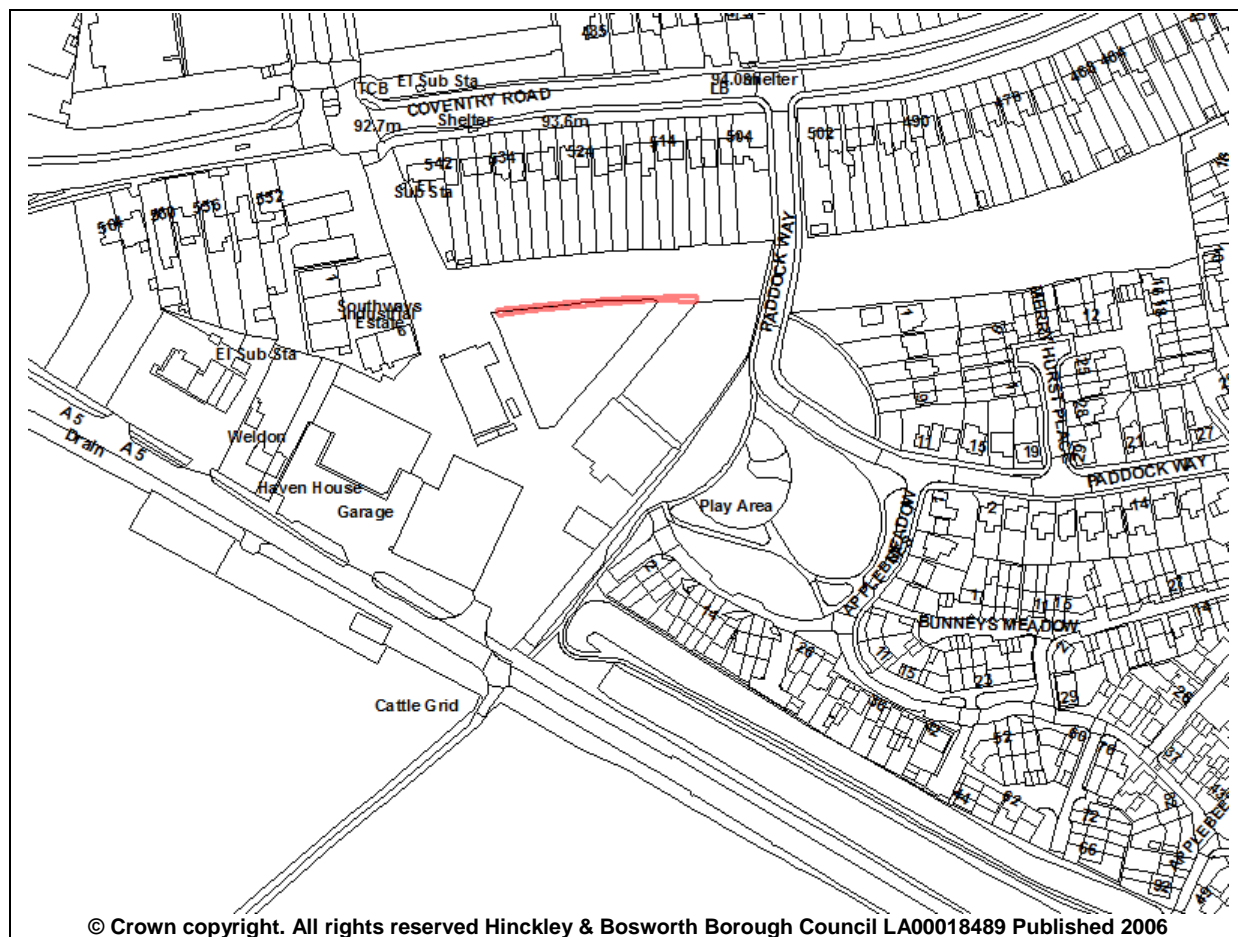
Planning Ref: 20/00191/FUL
Applicant: Mr Nigel Payne
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: Paynes Garages Ltd Watling Street Hinckley

Proposal: Installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks retrospective full planning permission for the installation of 4 x 5 metre high lamp metal columns and associated lighting units (Xcite 100W Road Lanterns) on land used as a staff car park serving Paynes Garage Limited.
- 2.2. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only when sufficiently dark.
- 2.3. The application states that they have been installed to replace existing faulty sodium car-park lighting in order to provide a safe and secure environment for staff to access their personal motor vehicles during the hours of darkness.
- 2.4. The four 5 metre high lamp columns are sited in an east - west line with approximately 26 metre spacing and located approximately 22 metres from the north boundary of the car park.

3. Description of the Site and Surrounding Area

- 3.1. The application site forms part of a designated employment site (reference HIN118) The lamp columns that are the subject of this application are located within an extensive area of land with loose surfacing used for the parking of motor vehicles in association with the commercial/employment premises located to the west and south. Uses include car sales, vehicle servicing and repair etc. To the north of the car park there are residential properties with long rear gardens and the Paddock Way highway lies to the east. The site is enclosed by solid timber fencing of at least 2 metres in height to the north and east boundaries.

4. Relevant Planning History

There is an extensive planning history for the wider site but none directly relevant to this current application.

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2 Responses from five separate addresses have been received as a result of public consultation raising the following objections, issues and concerns:-
 - 1) Adverse impacts on amenity from light pollution/light intrusion
 - 2) Lights were initially on a timer but are now on for prolonged period through the night contrary to submitted application details
 - 3) Loss of privacy from removal of trees
 - 4) Old posts are an eyesore and should be removed

6 Consultation

- 6.1 No objection has been received from:-
Leicestershire County Council (Highways)
Environmental Health (Pollution)

7 Policy

- 7.1 Core Strategy (2009)
 - Policy 1: Development in Hinckley
- 7.2 Site Allocations and Development Management Policies (SADMP) DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM19: Existing Employment Sites

7.3 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4 Other Relevant Guidance

- Employment Land and Premises Review (2013)

8 Appraisal

8.1 Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity

Assessment against strategic planning policies

8.2 The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.3 By virtue of the scale and nature of the proposal there are no directly relevant policies within the adopted Core Strategy. The application site lies within an area designated as an employment site within the adopted SADMP (reference HIN118) and a category 'A' key employment site which is to be retained for such uses in the most recent Employment Land and Premises Review (2013). Paragraph 127 of the NPPF (2019) seeks to ensure that development creates places that are safe, inclusive and accessible for future users and where crime or the fear of crime is addressed.

8.4 The lighting scheme has been installed to enhance the safety and security of staff/users of the car parking facilities that are ancillary to the long established commercial/employment uses on the site during hours of darkness. As such the development is considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the area

8.5 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.

8.6 The lamp columns are located between existing parking spaces within the car park site and by virtue of their 5 metre height which is not excessive, narrow profile and silver grey finish, the lamp columns and lighting units are not overly prominent within the car park or from the wider surrounding area. As with existing illumination in other parts of the wider site, when illuminated during the hours of darkness they are clearly be more noticeable. However, lighting schemes are features which would be expected within a commercial car parking area for safety and security purposes and by virtue of their siting, scale, design and appearance in this case they are not considered to result in any significant adverse impacts on the commercial and industrial character of the area. The lighting scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP in such respects.

Impact upon neighbouring residential amenity

8.7 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and

occupiers of adjacent buildings. Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that all reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.

- 8.8 Objections have been received on the grounds that the lighting scheme results in light pollution and light intrusion to neighbouring residential properties.
- 8.9 The lighting columns have been installed as replacements for old lighting units that have been removed from lighting columns that are located immediately inside the north boundary of the site adjacent to residential gardens. The new lighting columns are of similar height, have been relocated approximately 22 metres inside the site boundary and are fitted with lighting units that face downwards to reduce potential light spill to surrounding areas whilst providing satisfactory illumination to the parking area.
- 8.10 The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only then when sufficiently dark to trigger the photo cell.
- 8.11 It appears from responses received during public consultation on the application that whilst the use of the lights may have been subject to hours restriction and control following initial installation, this seems to have become less so thereafter and it has been suggested by the occupiers of neighbouring properties that the lighting is on for prolonged periods through the night which results in unnecessary light intrusion to neighbouring properties.
- 8.12 The issue of the hours of illumination has been raised with the applicant who confirms that the controls stated in the application were installed to restrict the use of the lights to the time periods required. However, following the comments received during the application, an investigation is being undertaken to check the historic operation of the lighting scheme through the viewing of CCTV footage of the car park and the electrical contractor is to be asked to inspect/service the control mechanisms to ensure that they are operating correctly or, if not, to repair them. It was established that it had been damaged during a storm and the timing mechanism has now been repaired.
- 8.13 However, notwithstanding the outcome of those investigations, the future operation of the lights can be controlled through the imposition of a suitably worded condition to restrict the hours of use of the lights to those which have been applied for and which are considered to be reasonable and necessary to enable their effective use whilst mitigating any significant adverse impacts from light pollution/intrusion on neighbouring properties. The scheme has been assessed by the Environmental Health (Pollution) team who raise no objection in respect of impacts on residential amenity.
- 8.14 Notwithstanding objections received, by virtue of the existing enclosure of the site by 2 metre high solid timber boundary fencing which is to be retained, the installation of lighting columns within a car park does not result in any loss of privacy to neighbouring occupiers.
- 8.15 The old lamp columns are poor in terms of visual appearance however the applicant has confirmed that removal of these has not been undertaken pending planning permission being secured for the replacement new columns that are the subject of this application.
- 8.16 By virtue of the siting, 22 metre separation distance to the site boundary and the scale and downward design of the lighting scheme, subject to satisfactory control of

illumination to reasonable hours, the scheme would not result in any significant adverse impacts from light pollution or intrusion on the amenities of neighbouring residential properties. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

9 Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1 The installation of ancillary safety and security facilities to serve existing uses is generally acceptable in principle. In this case the lighting scheme replaces a previously existing system that came to the end of its effective life. By virtue of the siting, scale, design and appearance the scheme complements the commercial and industrial character of the site. By virtue of the separation distance to any neighbouring properties and the design of the lighting units which point downwards to minimise light spill, together with the imposition of a condition to restrict the hours of use of the lighting to those that are necessary and applied for, the scheme would not result in any significant adverse impact on the amenity of any neighbouring residential properties or the wider area from light intrusion. The scheme is therefore considered to be in accordance with Policies DM1, DM7, DM10 and DM19 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site

Location Plan Drawing reference TQRQM20064140812668, Site Plan Drawing reference TQRQM20064141310364 and Thorn Lamp Column Elevation/Technical Details Drawing No. 35919-1 received by the local planning authority on 9 March 2020 and Xcite LED Lantern Details received by the local planning authority on 7 April 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The external lighting hereby permitted shall not be switched on other than between the hours of 6.00am to 8.00am in the mornings and between 4.30pm and 6.30pm in the evenings.

Reason: To protect the occupiers of neighbouring residential properties from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Within six months of the date of this planning permission, the three existing redundant lamp columns located along the north boundary of the car park shall be removed from the site.

Reason: In the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

APPENDIX B

ITEM 10

20/00191/FUL

Mr Nigel Payne

Site:- Paynes Garages Ltd, Watling Street, Hinckley

Proposal:- Installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective)

Consultations:-

Two additional responses received objecting to the proposal on the same grounds as in the main report. No new issues raised.

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Planning Committee 20 July 2021
Report of the Planning Manager

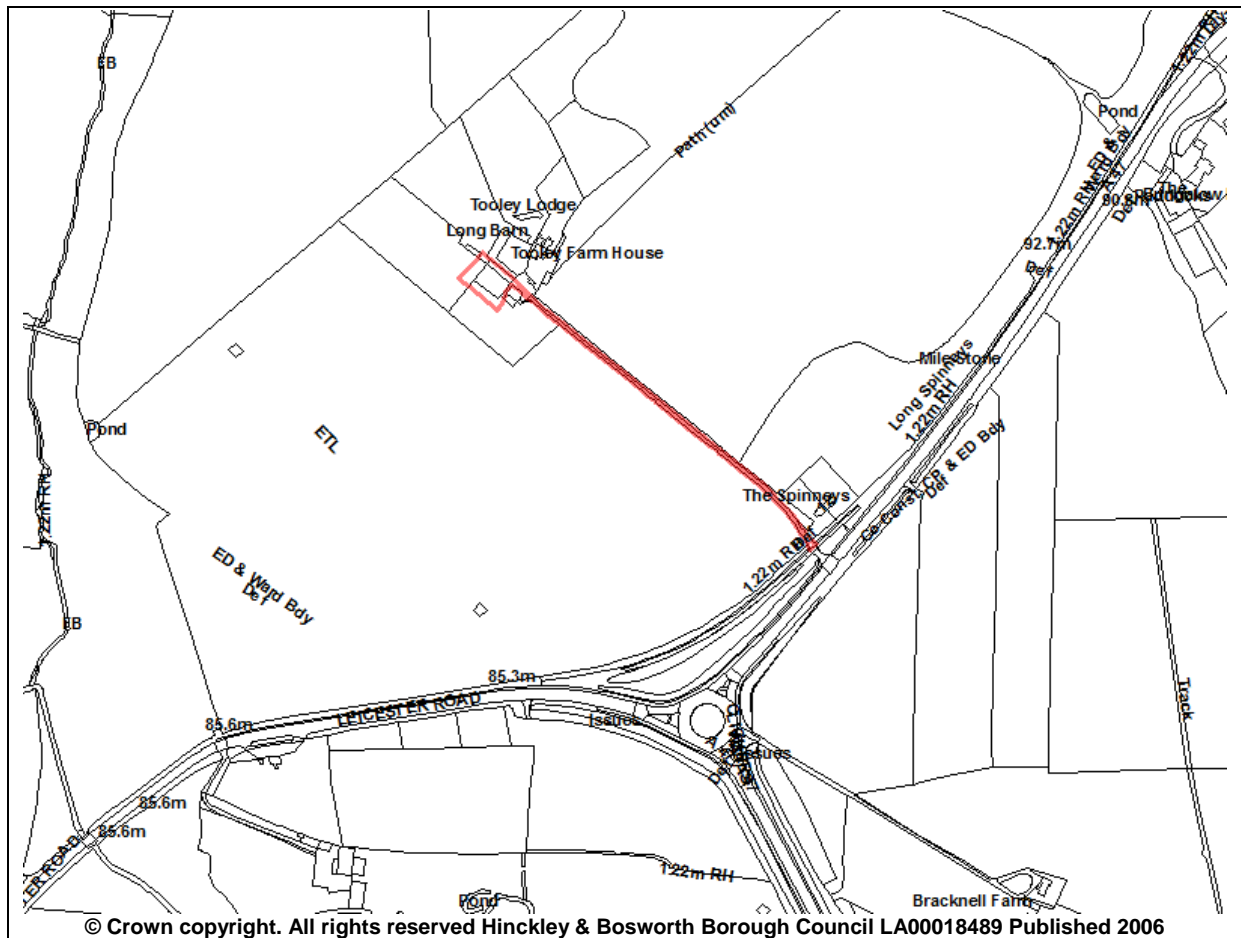
Planning Ref: 20/01293/FUL
Applicant: Mr Rishi Dhir
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Long Barn Tooley Farm Leicester Road Earl Shilton

Proposal: Conversion of barn into two dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. This application seeks planning permission for the conversion of one barn into two dwellings.
- 2.2. Planning permission has been granted in 2020 for the recladding of the building through application number 20/00028/FUL. This granted permission to re-clad the storage building to the farm in vertical timbers and dark metal roof.

3. Description of the site and surrounding area

- 3.1. The application site relates to a former agricultural building with two pitched roofs, comprising a steel frame, blockwork and corrugated sheeting. The barn is currently in use for residential purposes, including domestic recreation and storage.
- 3.2. The application site is located in the open countryside to the north of Earl Shilton. The village of Peckleton is located approximately 1.5km to the north. The site is accessed off a long private track located off the A47 Leicester Road.
- 3.3. The site forms part of a larger complex of former farmhouse and residential brick buildings known as Tooley Farm. The building sits behind a brick built building formerly used as a dairy now converted to a residential annexe. To the side is a larger brick built building in use as residential and known as Long Barn. There are two other dwellings (Tooley Farm House and The Lodge) within the wider former farm complex.

4. Relevant planning history

18/00144/FUL

- Conversion of barns and dairy to three dwellings including associated external works
Refused
18.04.2018

18/01273/FUL

- Conversion of existing Dairy to dwelling
Permission
13.03.2019

19/01155/DISCON

- Application to discharge condition 3 (roof material) attached to planning permission 18/01273/FUL
Discharged
05.11.2019

19/01222/HOU

- Two storey rear extension to Long Barn
Refused
09.01.2020

19/01249/CONDIT

- Variation of condition 2 of planning permission 18/01273/FUL to allow the facing walls to be clad in timber
Refused
09.01.2020

19/01422/DISCON

- Application to discharge condition 6 (land contamination) attached to planning permission 18/01273/FUL
Partial Discharge of Conditions
18.02.2020

20/00028/FUL

- Recladding of storage building to farm
Permission
05.03.2020

86/00966/4

- CONVERSION OF BARNs TO DWELLINGS
Permission
30.06.1987

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. No representations were received from the public.

6. Consultation

- 6.1. Peckleton Parish Council was consulted and no response was received.
 - LCC Highways was consulted
 - HBBC Drainage provided a note to applicant
 - HBBC Pollution provided conditions.
 - HBBC Waste requested a planning condition.
 - Severn Trent Water was consulted and no response was received.
- 6.2. Councillor Roberts has requested that the application be reported to Committee due to the proposed scheme being unsustainable development within the countryside.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM15: Redundant Rural Buildings
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Assessment against strategic planning policies
- 8.2. This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the

intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development.

8.3. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can
- b) be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- c) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- d) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- e) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- f) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and:

- i) It does not have a significant adverse effect on the intrinsic value, beauty open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development.

8.4. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where.

- a) The applicant demonstrates the building is no longer viable in its current use; and
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.

8.5. On 25th March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply

8.6. Notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure, is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

- 8.7. A planning application (18/00144/FUL) was refused in 2018 for the conversion of the barn and one other building into three dwellings and included associated external works. The reason for refusal is as follows: *'The applicant has failed to demonstrate that the buildings are capable of conversion to residential use without significant rebuilding and alterations and the proposal would therefore result in unjustified new residential development in the countryside. In addition, by virtue of the layout and design, the proposal would be detrimental to the rural setting and fail to complement the agricultural character and appearance of the application site and surrounding landscape. The proposed scheme would therefore be in conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012).'*
- 8.8. In the intervening time period, a planning application 20/00208/FUL was approved for the installation of cladding on this barn. Although this has not yet been carried out, this forms a material planning consideration and must be given substantial weight in determining this planning application. This application is supported by a method statement and structural survey. The structural survey concludes that the roof trusses and portal frames are sufficient for the calculated loads, and that there is adequate roof bracing in the trussed span. The columns and purlins are in adequate condition, and the columns only have moderate surface corrosion. The foundations have not been exposed, but there is no reason to suspect that they would not be sufficient. The roof cladding and sidewall cladding is broken in many places, however this would be replaced through the planning permission to re-clad the building (20/00208/FUL).
- 8.9. Therefore, following the approved recladding of the barn the roof and walls will be water tight. The existing frame and cladding will form the structural shell of the conversion, and the applicant has demonstrated that the building is capable of conversion to residential use. The proposed layout has been amended from the refused scheme to ensure adequate parking and minimal encroachment into the countryside that would enhance the agricultural character and appearance of the site and surrounding landscape. The proposed scheme would therefore no longer conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the overarching principles of the National Planning Policy Framework (2019).
- 8.10. Therefore, subject to design consideration and there being no significant adverse effects on the open character or appearance of the surrounding countryside, the

proposal would be in accordance with Policies DM1, DM4 and DM15 of the SADMP in that the principle of development is considered as sustainable subject to the assessment of all other material considerations.

Design and impact upon the character of the area

- 8.11. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13. The main issue for consideration is the design and the visual impact on the building and the wider area. The building is currently in a superficially poor condition but it reflects its former agricultural use. It is currently used predominantly for storage. Sections of the building are in need of superficial repairs. The use of timber cladding would improve the appearance of the building whilst retaining the agricultural feel to the building and the site and the surrounding open countryside. The site is set significantly back from the nearest public vantage point on Leicester Road, over 330m away, so will have a minimal impact on the wider area.
- 8.14. The proposed design is considered to be designed with decorative restraint, and avoiding complex elevations. This is considered to retain the agricultural appearance and character of the building, and site as a whole. The louvres covering the windows help to minimise any sense of domestic use of the building. The windows have been positioned asymmetrically in relation to the internal configuration, which helps to retain the uncluttered and functional appearance to the outward facing facades. The boundary treatments can be controlled through a planning condition to avoid the garden areas appearing overly domestic within the wider site.
- 8.15. The proposed chimney flues would appear discrete in size and siting, situated away from the principal elevation. The colour and appearance can be conditioned to be metal and matte in finish to ensure a functional appearance.
- 8.16. The main character of the frontal aperture into the barn from the east, off the main farmyard, is considered to be retained through the step back in this elevation from the original front wall. This results in a shadowed canopy area that would appear darker, and help the new front elevation appear coherent with the original appearance of the barn.
- 8.17. The simple plan form of the barn can be controlled through planning condition to remove permitted development rights in order to retain the traditional layout of the barn itself and the wider site, retaining the barn's functional rural appearance.
- 8.18. The proposal would have a minimal visual impact on the building and the wider area and is therefore in compliance with policies DM4 and DM10. By virtue of the layout, scale, design and proposed external materials the proposal would complement the industrial character of the area and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon the neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring buildings.

- 8.20. To the south east of the application site is the annexe of Tooley Barn, named The Dairy. This is a single storey detached building that has recently been completed. The side elevation of the proposed barn conversion would include four new windows at ground floor level. As there are no windows within the side elevation of The Dairy, there is not considered to be any significant overlooking despite the slightly higher ground level.
- 8.21. To the east of the application site is Tooley Barn, which consists of two converted brick barns originally part of the main farmhouse. The rear elevation of the log barn is fully brick, and this barn serves predominantly as storage for the Long Barn dwelling. The proposed dwellings would not look directly towards the private amenity space to the North West of the Long Barn, and the two sites are separated by a post and rail fence that is engulfed in native hedgerow of roughly 2.5m in height. Consequently it is not considered that the proposed use of the barn as two dwellings would have any significant adverse impacts to the amenity of the occupants of the Long Barn.
- 8.22. The original Tooley Farm House lies some 30m to the east across the central former farmyard. This dwelling is separated from the application site by a large brick built barn, resulting in no intervisibility between the two neighbouring sites. There would be a negligible increase in the overall size of the building due to the proposed cladding, as such there is not considered to be any overbearing or overshadowing impacts.
- 8.23. The amenity space of the site has been subdivided to ensure that there would not be any direct overlooking into the neighbouring plot from inside the proposed dwellings. Therefore it is considered that the amenity of any future occupants would be preserved.
- 8.24. Consequently it is considered that the proposed development would be in accordance with Policy DM10 in regard to impact upon neighbouring amenity. This is by virtue of the appropriate scale and appearance, the proposal would not result in any significant adverse impacts on the residential amenity of the occupiers of any neighbouring properties.

Impact upon highway safety

- 8.25. Policy DM17 of the SADMP seeks to ensure that development will not cause a severe impact upon the existing highway network, and that proposals are in accordance with the most up to date highways guidance.
- 8.26. Policy DM18 of the SADMP seeks to ensure that proposals for new development provide an appropriate level of parking.
- 8.27. The proposed site layout shows a total of six parking spaces for the proposed two 4 bed dwellings which complies with the LHDG. Furthermore, the site is approximately 350 metres from the highway and it is considered the proposals are therefore unlikely to generate inappropriate parking on the A47.
- 8.28. Adequate turning provision has been detailed within the overall site, the parking area requires residents to parallel park within a relatively narrow area which does not allow for easy turning manoeuvres. This could result in occupiers of Plot 2 in particular needing to reverse out of the parking spaces for some distance within the site in order to turn. Nevertheless, the LHA is satisfied vehicles could turn within the site in order to exit on to the public highway in a forward gear.
- 8.29. As a result of the adequate access, and parking provision, this application is considered to be in accordance with Policy DM17 and DM18 of the SADMP in regard to impact on highway safety.

Other matters

- 8.30. HBBC Waste Services have requested a condition that would require the scheme to demonstrate the provision of waste and recycling containers and collection across the site. They have also requested that the wheeled waste containers can be stored and serviced at the adopted highway. The agent has confirmed that the Borough Council's refuse collection vehicle already comes up the drive to Tooley Farm and collects the wheeled waste containers. Therefore it is not considered necessary to request that the additional waste containers are wheeled to the adopted highway boundary.

Planning balance

- 8.31. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.32. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11d of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, the proposal is found to be sustainable development.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposal would use traditional materials, retaining the original form of the barn, and improve the visual appearance of the building. The proposal would therefore have a minimal visual impact on the character of the building, the site and the

surrounding open countryside. The proposal would therefore be in compliance with policies DM4 and DM10 of the SADMP.

- 10.2. The application has been supported with a method statement that outlines that the proposed scheme would be achieved without significant alteration alongside the extant permission for the external cladding. The scheme is therefore in accordance with Policy DM15 and DM1 of the SADMP

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan - Drg. No. 01 Rev. F - received on 18.01.2021

Site Plan – Drg. No. 10 Rev. F received 24.06.2021

Proposed Elevations & Floorplans - Drg. No. 11 Rev. C - received on 01.12.2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H, and Article 3, Schedule 2 Part 2 Class A; of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Thinking Buildings drawing number 10 Rev F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

9. Prior to first occupation of the hereby approved dwellings a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed in full accordance with the approved details prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to the occupation of the hereby approved dwellings plans and elevations of bin storage structures shall be submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The curtilage of the dwellings hereby permitted shall be defined by the Amenity Areas as shown on the approved Site Plan - Drawing No. 10. Rev. F - received on 24/06/2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Old outbuildings and barns are a common roosting site for barn owls and bats. Both of these species are protected by the Wildlife and Countryside Act 1981 under which any deliberate action resulting in the disturbance or destruction of their place of shelter is illegal. If any of these species are found in the building you shall contact Natural England immediately: Telephone 01476 584800.
3. The onus is upon the owner and/or developer of the building to ensure that the scheme proposed is practicable and that adequate safeguards are taken before and during building works to provide adequate protection to the existing building. If a building the subject of a scheme for its conversion collapses, whatever the cause or in whatever circumstances, after planning permission has been granted for its conversion to an alternative use, the Local Planning Authority will regard the planning permission granted as not capable of being implemented and consequently null and void.
4. Advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
6. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
7. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

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Planning Committee 20 July 2021
Report of the Planning Manager

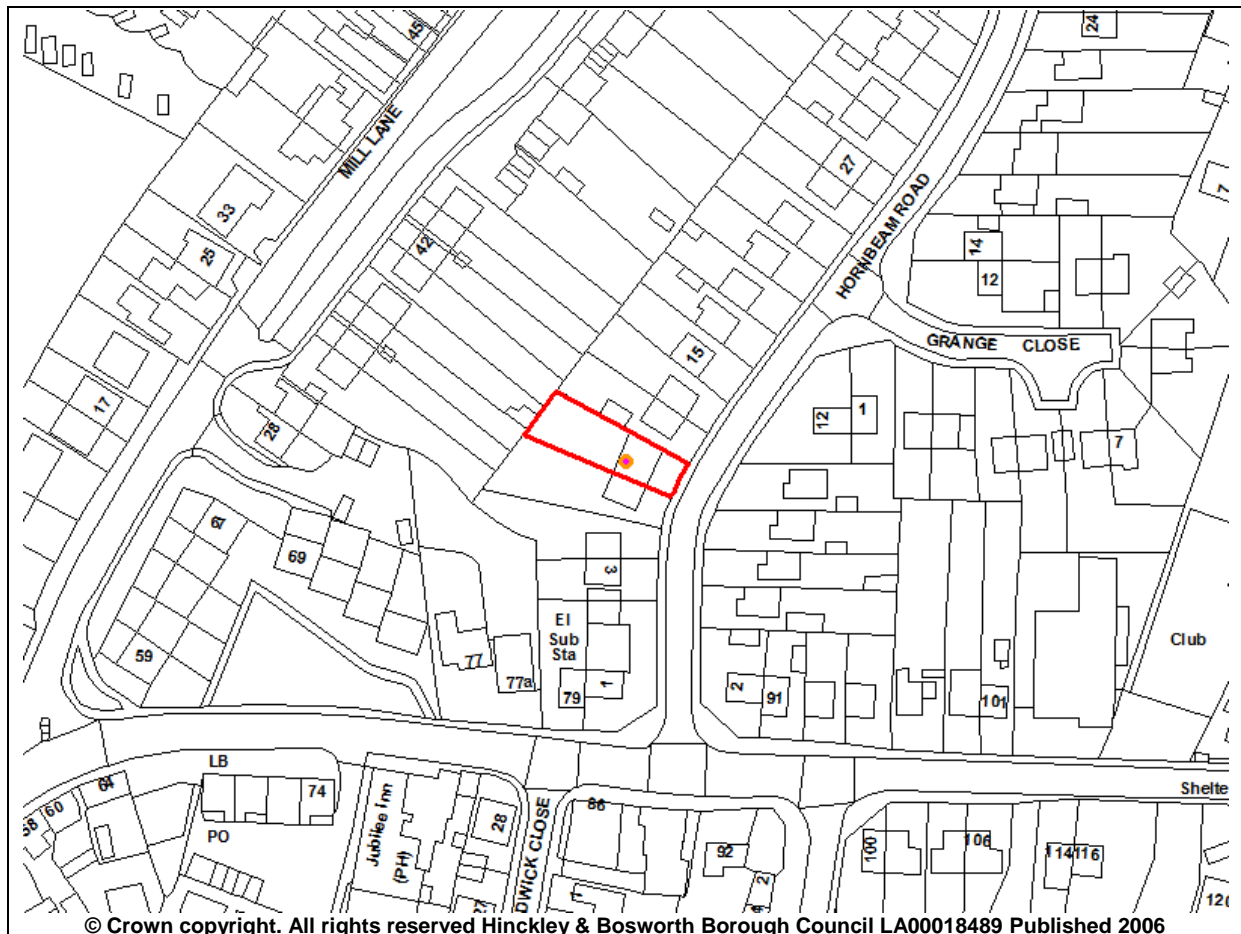
Planning Ref: 21/00466/HOU
Applicant: Mr & Mrs W Crooks
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 9 Hornbeam Road Newbold Verdon Leicester

Proposal: Single storey rear extension



1. Recommendations

1.1. Grant planning permission subject to:

- That the Planning Manager be given powers to determine the final detail of planning conditions.

2. Planning application description

- 2.1. This application seeks planning permission for a single storey extension to the rear of 9 Hornbeam Road, Newbold Verdon.

3. Description of the site and surrounding area

- 3.1. The application site comprises a semi-detached two storey property in the settlement boundary of Newbold Verdon. The dwelling has been designed with a pitched roof over its principal part, with a conservatory to rear and a flat roof garage

and utility to side with pitched parapet to front. The property is finished in red brickwork, white UPVC, and brown roof tiles.

- 3.2. Hornbeam Road is characterised by a mix of two storey detached and semi-detached properties within similar features.
- 3.3. This application is being reported to Planning Committee in line with the Council's Constitution as the applicants are both Councillors and are also members of the Planning Committee.

4. Relevant planning history

76/01259/4M

- Erection of garage and utility room
Planning permission granted
19.10.1976

04/00559/FUL

- Erection of a rear conservatory
Planning permission granted
17.06.2004

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received.

6. Consultation

- 6.1. No comments have been received from Newbold Verdon Parish Council.

7. Policy

- 7.1. Core Strategy (2009)
 - None relevant.
- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
 - Good Design Guide (2020) (GDG)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

Assessment against strategic planning policies

- 8.2. The proposed development is for a property located within the settlement boundary of Newbold Verdon. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.

Design and impact upon the character of the area

- 8.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.4 The GDG advises that rear extensions should be designed to be clearly subordinate to the main dwelling. They should be an appropriate height, width, depth and reflect or complement the detailing and materials of the original building.
- 8.5 The proposed single storey extension would be located to the rear of the host dwelling, projecting beyond the existing garage/utility extension and the principal part of the existing host dwelling.
- 8.6 The proposed extension's north elevation would project approximately 1.8 metres beyond the rear of the existing garage/utility extension. The proposed extension's south elevation would project approximately 1.5 metres beyond the rear of the principal part of the host dwelling.
- 8.7 The proposed extension would measure approximately 3.5 metres in width. It would be finished in matching materials.
- 8.8 The roof over the extension would be flat with a height to match the existing garage/utility extension.
- 8.9 A view of the proposed extension from Hornbeam Road would be limited by virtue of its location to the rear of the host dwelling.
- 8.10 The proposed extension would be a complementary, subordinate and suitably located form of residential development of modest proportions. It is therefore considered that the proposal would be an acceptable addition to the host dwelling with no adverse harm to the street scene and would satisfy Policy DM10 of the SADMP and the guidance set out in the GDC.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
- 8.12 The south elevation of the proposed extension would be located approximately 5.6 metres away from the shared boundary with the adjoining neighbour, no. 7 Hornbeam Road. The host dwelling's existing conservatory of deeper proportions abuts this shared boundary. Bearing this in mind, along with the single storey scale of the proposed extension, the proposal would not result in any adverse impacts upon the enjoyment of private amenity for occupants of no.7.
- 8.13 The north elevation of the proposed extension would abut the shared boundary with no. 11 Hornbeam Road. No. 11 Hornbeam Road is characterised by a car port and garage along its southern boundary. The principal part of this two storey neighbouring dwelling is approximately 3.2 metres away. The proposed extension would serve a W/C. Bearing these observations in mind, along with the single storey nature of the proposed extension and existing high boundary treatments, the proposal would not have any adverse overlooking, overshadowing or overbearing impacts upon the enjoyment of no.11's private amenity.
- 8.14 Due to the location and scale of the proposed extension, along with the depth of the host dwelling's rear garden and existing boundary treatments, the proposed

extension would not have any adverse impacts upon the neighbouring amenity of no. 38 and 40 Mill Lane, the two neighbouring properties to the west of the applications site.

- 8.15 The proposed development would satisfy Policy DM10 of the SADMP in this regard.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3 There are no known equality implications arising directly from this development.

- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed development would be sustainably located and would complement the character of the host dwelling. It would not cause any adverse impacts upon the visual amenity of the surrounding area or the neighbouring amenity of adjacent properties. On this basis, the proposal is therefore considered to be in accordance with Policy DM1 and DM10 of the SADMP. The proposal would reflect the guidance in the Good Design Guide and is recommended for approval subject to conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:

- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan and Proposed Block Plan Drg No: 21/007/03/1 received 10.05.2021

Existing and Proposed Elevations Drg No: 21/007/02/1 received 10.05.2021
Proposed and Existing Ground Floor Plan, Drg No.21/007/01/1 received
12.04.2021

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4 **Notes to applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

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Planning Committee 20 July 2021
Report of the Planning Manager

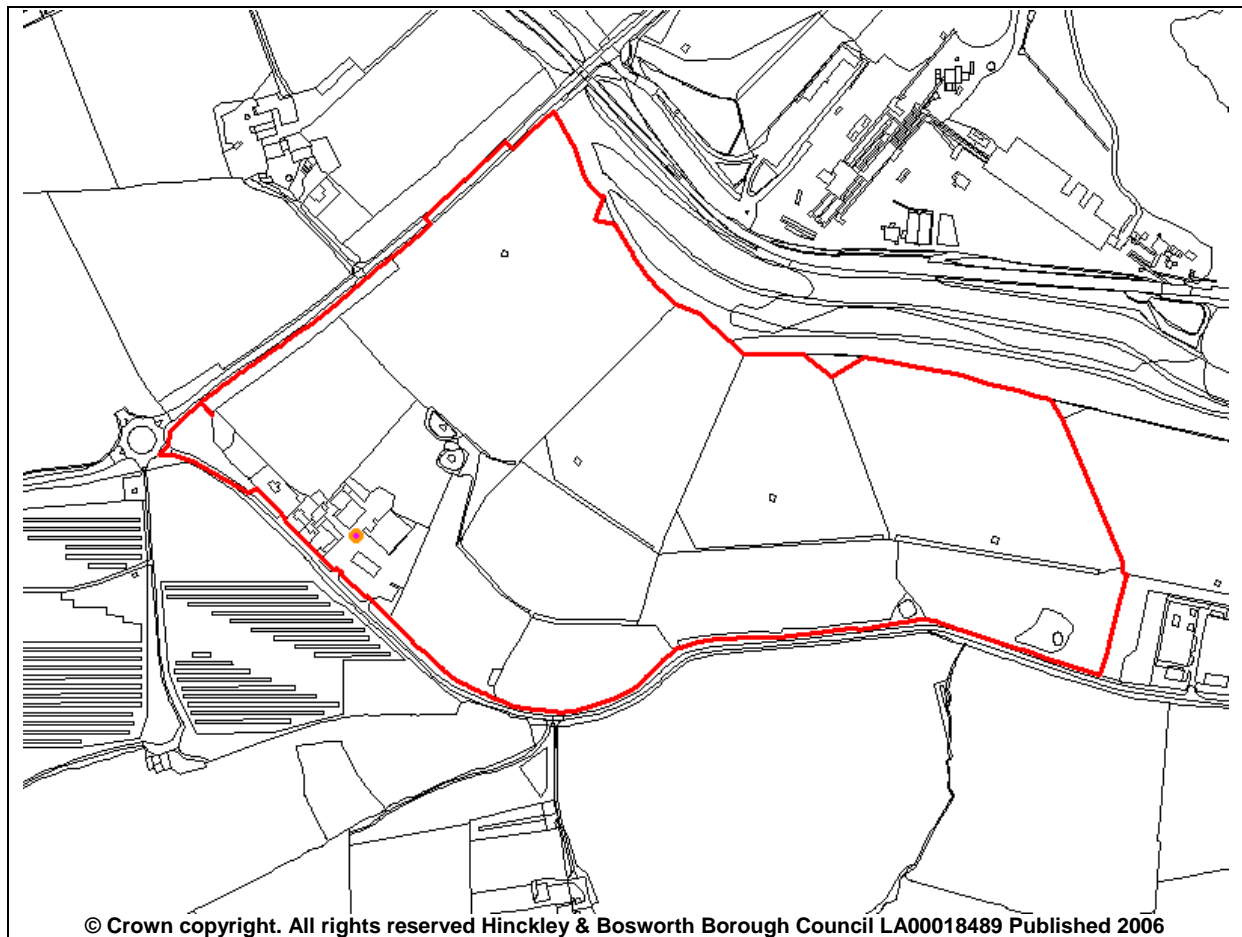
Planning Ref: 21/00531/HYB
Applicant: Wood Farm Holdings
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Wood Farm Stanton Lane Ellistown

Proposal: Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures (Revised Scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Coalville transportation infrastructure strategy contribution

- Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.
 - One travel pack per employee £52.85 per pack from first occupation
 - One six month bus pass per employee £350 per pass
 - Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £11,337.50
 - Improvements to surrounding rights of way
 - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. This is a hybrid application seeking planning permission for:
- Outline permission (access only) for the development of up to 89,200sqm a B2 (Industrial) and/or B8 (Storage and Distribution)
 - Full planning permission for the relocation and erection of farmstead.
- 2.2. The application site comprises of two areas of land situated along Stanton Lane, this comprising of a total of 35.48 hectares which is split into 32.6 hectares for the main site proposed for the employment development, and 2.88 hectares for the proposed farm site.
- 2.3. The proposed farmstead would comprise of full consent for two new two storey dwellings and five associated farm buildings. The farm yard would comprise of two cattle sheds, bull pens and calf pens, grain store and a steel framed workshop. The southern half of the proposed farmstead would comprise of the two farm managers dwellings, located either side of the access road, which would extend beyond a centrally located hedgerow into the farm yard situated to the northern part of the site. The scheme proposes additional planting and balancing pond to the towards the south east corner incorporating the existing public right of way (R9). Access would be taken from Stanton Lane.
- 2.4. The outline scheme seeks to develop up to 89,200 sqm of employment use across the site, which would be positioned to the northern half of the site, with the remainder proposed as a community woodland area. The application proposes a maximum ridge height of 21 metres for the proposed buildings. The main access to the site would be in the form of a new roundabout from West lane, situated to the north west corner of the application, with a secondary 'left in/right out' only junction from Stanton Lane, which would be restricted to cars and motorcycles to serve the unit within Area 1.
- 2.5. The proposed parameters for the outline scheme also includes a landscape buffer to the edge of the application, and would include National Forest Planting and footpath links through the site and through the proposed community woodland.
- 2.6. This application is a resubmission of application 20/00407/HYB which was refused for the following reason:
- "The industrial incursion into the countryside, which is also part of the National Forest and Charnwood Forest, would have an adverse impact on the intrinsic value, beauty, open character and landscape character of this rural location and is therefore contrary to Policy DM4 of the Site Allocations and Development Management Policies DPD 2016."

- 2.7. The main changes from that of the refusal, is the reduction of developable floor space being proposed on the application site from 144,200 sqm of B2 and B8 to 89,200sqm, with nearly 50% of the site being given to landscaping and the inclusion of a community woodland positioned within the eastern portion of the larger application site.

3. Description of the site and surrounding area

- 3.1. The application site is situated to the south west of West Lane (B585) and to the north of the Stanton Lane. Situated to the East of Stanton Under Bardon, situated outside any defined settlement boundary. To the north of the application site is Cliffe Hill Quarry, with areas of woodland and agricultural land to the south. There is a group tree preservation order (Ref W4) which is situated to the north west boundary of the application. To the north west is an established employment development with a solar farm to the south west. The application site is situated outside any settlement boundary and within the National and Charnwood Forest.
- 3.2. The main site is negotiated by a number of overhead power lines which originate from an electricity substation located beyond the east boundary, and supported by steel framed pylons. The existing farmstead is made up of two dwellings, known as Wood Farm and Bramblewood, and a number of agricultural buildings and structures, which are of brick and slate, developed over time following the growth and need of the farm. The application site comprises of a number of irregular agricultural fields separated by hedgerows and trees.
- 3.3. There are a number of public footpaths in proximity to the site. Grange Walk, R114 and R31 are situated along the north east and south of the larger of the two application sites, and footpath R9 cross the farm site to the south east corner.
- 3.4. Levels across the application site vary, with a high point of the site positioned in the northern boundary of site, with an approximate level above Ordnance Datum (AOD) of 193 metres. The lowest point recorded is situated adjacent to a pond located in the south east corner which is at a recorded level of 161.5 metres AOD.

4. Relevant planning history

14/01220/FUL

- Extension of existing livestock building
Permitted
09.03.2015

19/00507/SCOPE

- Proposed employment development of land east of Stanton Lane (Wood Farm), Bardon
Opinion Issued – Environmental Impact Assessment not required
29.05.2019

20/00407/HYB

- Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures
Refused
11.11.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 48 letters of objection have been received raising the following matters
- 1) Loss of green belt land
 - 2) Over capacity of warehouse development in the area
 - 3) Impact upon traffic
 - 4) Creation of pollution
 - 5) Light pollution
 - 6) Approval already given for warehousing development in interlink south
 - 7) Most people employed will not be local
 - 8) No public transport
 - 9) Increase in traffic through villages and creates a rat run
 - 10) No police enforcement of restrictions
 - 11) Impact upon existing wildlife and natural habitat
 - 12) Increase in noise in the area
 - 13) A511 already gets backed up
 - 14) There is no need for this development there are already many empty unit factories sitting empty in Bardon Ind.
 - 15) Development is contrary to Policy DM4 of the SADMP.
 - 16) Development is contrary to Policy DM20 of the SADMP as the proposal fails to satisfy the policy
 - 17) Policy 20 of the adopted HBBC Core Strategy document discusses working with the owners of the quarry site to the north west of Stanton-u-Bardon to restore the site to provide multiple green infrastructure assets and benefits, this proposal would effect that restoration.
 - 18) Impact upon orchids, bats, crested newts, grass snakes and skylarks in this area, as well as pygmy shrews and short tailed voles
 - 19) The reduction in units does not address the issues
 - 20) Lorries will cut through the village
 - 21) The village lacks amenities and this development will add to it
 - 22) The development would have an impact upon the rights of way and views from it
 - 23) Would affect the amenity value of both the footpath around the south of the quarry by intruding into the view
 - 24) slow moving farm vehicles going in and out onto a section of Ellistown Lane which has poor visibility in both directions unlike the current site which is on a straight and level part of Stanton Lane
 - 25) Impact the National and Charnwood Forest
 - 26) There is not the infrastructure to support this as well as the existing developments and quarries
 - 27) Development would be on greenfield site
 - 28) Two accidents have occurred from the beginning of March 2021 to 09/05/2021 on this stretch of Ellistown Lane from Oldfield Farm to Manor Farm
 - 29) An application Ref No. 04/00308/FUL was refused due to highways and at that time there was very little traffic unlike now.
 - 30) Application 03/00058/OUT for a new dwelling noted a reason for refusal on highway grounds
 - 31) Application 89/01074/4 for one dwelling was also refused

- 32) More recently application 20/00866/OUT for 82 dwelling was refused on highway grounds along with other matters
- 33) Farm machinery will travel further along Stanton lane due to the relocation.
- 34) The area provides wildlife corridor.
- 35) Covid 19 has shown how vital outside space is for both physical and mental well being
- 36) Wood Farm dates back to the 18th century and is part of the heritage of Stanton Under Bardon and surrounding area
- 37) The erection of cow shed to house 250 cattle would in itself generate a lot of noise with beasts grouped together and inevitable disruption of farm machinery affecting residents living on Preston Close
- 38) Residents already have to endure significant noise pollution from the quarry and crushing plant already, to be subject to further noise would have a significant impact
- 39) Enhancement of the farmstead with two new dwellings would not be objectionable
- 40) Commercial and business profiteering is not in the spirit of community cohesion
- 41) Bardon 1 and 2 exemplify an ugly sprawling composition of large warehouses, with units still empty after a number of years since construction
- 42) It is the government's proposal to reduce carbon emissions and protect communities this development contravenes this
- 43) HBBC have declared a climate change emergency and committed in taking action to help the borough become carbon neutral by 2030
- 44) The only amendment to this application is that they have tried to hide it with earth bunds
- 45) The nature walk is counterproductive as it's not large enough to make the journey by vehicle worthwhile and further parking would create congestion.
- 46) There is no demand for more speculative development in the area.
- 47) Little effort has been made to blend the colour of warehousing into the local landscape
- 48) There is already HGV traffic using Stanton / Ellistown lane as a shortcut
- 49) Jobs created are based on National statistics as the use of the units are unknown
- 50) Contrary to Policy BE1 of the Local Plan
- 51) The development is directly through a footpath
- 52) Policy 22 of the core strategy seeks to maintain the traditional working landscape of the forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives, this development would not
- 53) The approval of this application would be inconsistent with the refusal of planning application no. 16/00592/OUT and which was refused on appeal the council has a duty to be consistent
- 54) Nothing to stop someone turning right and going back around the roundabout thereby turning left
- 55) Limited information about the sustainability of the warehouse in terms of energy use
- 56) Already light pollution in the night sky
- 57) The traffic assessments conducted, there was no mention of the contractor taking into account the weather at the time and when checking the weather conditions during the road traffic speed assessment this would have reduced vehicle speeds as it was raining nearly every day during peak travel times.
- 58) The speed within the Traffic Assessment is 44.1mph which is already 0.1mph over the current splay limit that is proposed. This could be more if the weather I better

- 59) The TA survey was done over a week in June with abnormal weather for the period, where there was more rain than normal especially during busy periods of traffic, which can impact the speed results
- 60) Light pollution is associated with poorer human health
- 61) Decline in the insect population
- 62) The resubmission makes a mockery of the council's decision previously
- 63) The relocation of the farm is unacceptable, the site is opposite a field that has a planning history of refusals on highway safety grounds
- 64) The site is unsuitable as it would be beyond the built-up limits of the settlement and within open countryside
- 65) The development DOES NOT respect the character and appearance of the wider countryside as it is destroying both by having towering buildings in the middle of it. This statement also reverberates with policy 22 for Charnwood Forest "Retain local character and complement the local landscape
- 66) Even after 15 years of supposed tree growth the visual impact on the neighbouring properties is completely overwhelming and not acceptable
- 67) Development is within the National and Charnwood Forests as such a more significant tree planting program would be advantageous to the area.
- 68) Substantial tree planting should be done to the field in front of Straw Hall Farm to shield their home
- 69) The Landscaping and screening diagrams give false representation as cross sections are taken from a point advantageous to presentations given
- 70) The rebuilding of the structures in the proposed location will devalue the character of the area as it would destroy two lovely pasture fields
- 71) The overall footprint of the new farm is much greater than the original! And is not anywhere near the original curtilage, it is over 1km away contrary to Policy DM14 of the SADMP
- 72) If approved a precedent would be created allowing similar developments further down the lane on both sides to be considered. This site is not part of the emerging plan
- 73) Latest information regarding jobs at this revised proposed development is 1,200 however, if the site includes B2 is likely to be 2,500 leading to a substantial increase of vehicles potentially using Ellistown/Stanton lane
- 74) Low unemployment therefore will travel for work from outside the immediate area
- 75) Pedestrian and cyclist safety will be compromised
- 76) The area of land being taken here is excessive and could be much more useful with its current use as for food production through means of producing feed for cattle
- 77) Building types and materials are not attractive or welcoming and this development
- 78) Contrary to the draft Neighbourhood Plan, impact upon identified views, and contrary to the draft policies
- 79) There is not an unemployment problem in the local area so the majority of people that will work at the development will have to come from afar. Furthermore, due to the low skill work this development would not bring affluence to the area
- 80) Could result in water contamination
- 81) Spread of disease to livestock
- 82) Consent of the farm should be dependent on the warehousing application
- 83) Size of the proposed dwellings are excessive
- 84) Diverting the R9 footpath will locate its access/exit on Ellistown Lane to a dangerous part of the road
- 85) The proposed development directly contradicts the landscape character type for the area and should be refused.

- 86) Person has the right to peaceful enjoyment of all their possessions which includes home and land and the council has to considered the Human Rights Act
- 87) The application does not meet the criteria of what is considered sustainable in accordance with the NPPF, and the three strands of the sustainability

5.3. 37 letters of support have been received for the following reasons:

- 1) This scheme provides a benefit to the wider economic community and eco system
- 2) The scheme would provide 50% woodland and community space
- 3) Significant employment will be provided as well as contributing towards the Charnwood and national forest with significant landscaping
- 4) Will include additional PROW
- 5) Cliffe hill Quarry, the solar farm and Pallex are all already on this side of the road therefore development has already crossed the B585 road.
- 6) It's near a strategic highway network
- 7) It will keep development concentrated in an area that is successful and developed with existing road access links.
- 8) New farmstead will improve the welfare of the cattle
- 9) Industry in the east midlands has helped create the regional growth.
- 10) Development will bring a range of well paid jobs
- 11) Will allow business to diversify and grow
- 12) The development will not affect the village we need employment in the area and the new landscaping scheme and nature reserve is an excellent amenity for the area.
- 13) Hinckley is expanding at a rapid rate jobs are required at all levels from upper management to shop floor levels. It's imperative that companies are allowed to progress to assist the local population.
- 14) Representing over 2,200 organisations across the East Midland, there is frequent demand from businesses for further logistics space and the ambitions that these businesses have for local job and wealth creation.
- 15) The scheme sets to create around 1200 FTE role the majority of which would be staffed locally, and this figure does not take into account the knock on impact through local supply chains, which is estimated to be 350 roles.
- 16) The impact of the pandemic on business operating models, with greater emphasis on online, has increased the need for well located and served logistic sites such as this one.
- 17) Latest forecasts suggests the region only has big box logistic supply for the next 3 months of growth, with sustainable supply usually estimated to be at 12-15 months.
- 18) The development would stand to generate in the region of £1.3million per annum in additional business rates to HBBC
- 19) Development aligns well to broader regional plans for growth, including those being led by the Midland Engine and Midland Connect and captured in the locally led A5 strategy.
- 20) Families need jobs and stability at the moment
- 21) There is local business interest which require new premises to expand

6. Consultation

6.1. No objection, some subject to conditions have been received from:

- HBBC Environmental Services (Pollution)
- HBBC Waste Services
- Leicestershire Police
- Severn Trent Water

- HBBC Drainage
- LCC Ecology
- LCC Archaeology
- Highways England
- LCC (Highways)
- LCC as Lead Local Flood Authority
- Coal Authority
- LCC (Minerals)
- Natural England
- National Forest

6.2. Stanton Under Bardon Parish Council have objected on the following grounds:-

- 1) Nothing has changed, the A511 Corridor has not, as yet, been improved and it will be many years before these are in place, however more development is planned and commenced.
- 2) The site is still not designated for development and is contrary to policy DM4. The proposal is also contrary to planning policy DM10.
- 3) In a recent appeal relating to greenfield land at Burbage, the Inspector, in dismissing the appeal said: "The most significant adverse effect weighing against the proposal is the effect on the character and appearance of the area. The adverse impacts would be significant and demonstrable, and this is applicable to this site.
- 4) At the appeal by Barwood the Inspector found "The site is highly sustainable and exceptionally well located to offer access to existing jobs, services and facilities - including health, education, shops, leisure and open space". The site at Stanton under Bardon is lacking in all these aspects of sustainability.
- 5) This area is awash with warehousing and the requirement for FLT and pickers cannot be met from local means. As a result, employees travel large distances to be employed at Bardon.
- 6) Concerned at the loss of agricultural land, not only by the warehousing, but by the farmstead development. This land, once built upon, will never revert to agriculture.
- 7) Whilst the improved landscaping is to be applauded, there is still the loss of some 32 hectares of agricultural land.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 17: Rural Needs
- Policy 21: National Forest
- Policy 22: Charnwood Forest

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Employment Land and Premises Study (2020)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2019)
 - Leicestershire Highways Design Guide
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Impact upon Cliffe Hill Quarry and safeguarding minerals
 - Design and impact upon the character of the area
 - National Forest
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Impact upon Public Rights of Way
 - Impact upon Trees
 - Ecology
 - Impact upon Archaeology
 - Noise and pollution
 - Drainage
 - Planning obligations
- Assessment against strategic planning policies
- 8.2 This application proposal is in two parts,
- i) An outline scheme covering 32.6 hectares for the development of buildings for B2 industrial and/or B8 distribution logistic uses at Wood Farm.
 - ii) A full application for a replacement farmstead, including agricultural dwellings and associated farm buildings, which would comprise a total area of 2.88 hectares.
- 8.3 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.4 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

- 8.5 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). However Policies in the Core Strategy and the SADMP are accepted to be out of date as are focussed on the delivery of a lower housing requirement than as determined using the Standard Methodology set by MHCLG. Therefore paragraph 11(d) of the NPPF is relevant to this application whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6 The policies within the development plan however remain consistent with the framework and are therefore accorded significant weight in the determination of applications.
- Proposed Employment
- 8.7 The northern and majority of the application site, comprising of approximately 32.6 hectares would replace the existing farmstead and proposes a development of up to 89,200sqm of general industrial (B2) and or logistics (B8) employment floorspace, which is a reduction from 114,200sqm of general industrial (B2) and logistics (B8) employment floorspace of the previously considered application.
- 8.8 The application site is located outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies several criteria outlining where development in the countryside can be considered to be sustainable. The policy identifies that development in the countryside can be considered sustainable where proposed development would significantly contribute to economic growth, job creation, subject to meeting further detailed criteria; namely that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.9 The SADMP acknowledges that although sufficient employment land is available in the Borough to support the identified growth of the plan period it is important that employment opportunities are not stifled. Policy DM20: Provision of Employment Sites applies to this application and sets out that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- Within settlement boundaries
 - On previously developed land
 - Adjacent to existing employment sites
 - Adjacent to settlement boundaries
- 8.10 The Employment Land and Premises Review (2020) (ELPs) is an evidence based assessment of the supply, need and demand for employment land and premises (use class B) in Hinckley and Bosworth. The study considers the borough has sufficient overall supply of employment land to meet the Objectively Assessed needs of the Borough of 62.48ha up to 2036. However there is an over emphasis on supply for strategic areas and a lack of local options. To allow for this the study recommends that the Council consider further employment land allocation, primarily to meet the needs within the Borough.
- 8.11 The Hinckley and Bosworth Housing Needs Study, 2019 identifies that the projected housing growth rate of 457 dwellings/ha will create an additional resident labour

force of 5,870 jobs over 2018 (not 2019) to 2036, which generates a need for 61,765sq of floorspace of 15.84 ha of land. However it is important to note that this figure represents the employment land requirement specifically from these 5,870 extra jobs and is not a forecast of OAN for the whole Hinckley and Bosworth economy. However, it does illustrate the economic impacts of the projected housing growth rate of 457 dwellings/ha. The study identifies local options for growth for Hinckley/Burbage/Barwell and Earl Shilton.

- 8.12 The Call for Sites SHELAA exercises have put forward 30 potential sites/areas totalling 612.94 ha, for B-Class uses (often alongside other options). However 16 sites put forward considered by the study deemed unsuitable, with 14 sites deemed suitable. The application site is identified within this study, and recommends that the site *“represents a strong candidate for inclusion. Located close to Bardon, the focus for development Borough and proposed for larger B2/B8 uses it would continue the momentum of development commenced by Mountpark I and II scheme, to the north. Further ongoing demand for such uses is reported here. The site/area is large enough and of a regular shape which could support a new group of strategic scale B2/B8 employment units.”* The study recommends that although a potential site it is constrained by the existing powerlines which would need to be redirected and would need to be viably mitigated.
- 8.13 The most recent Employment Land and Availability Monitoring Statement 2017 – 2019 provides a basis for monitoring the relevant Local Plan policies with regards to delivering sustainable economic development and employment land in the borough and sets out the net gains or losses of employment development across the borough at 1st April 2019. It identifies that there has been a positive gain of 10.98 hectares of employment land within the rural villages and hamlets, ranging from small scale to large scale proposed at Nailstone Colliery, Wood Road, Nailstone, meeting the requirement of the Core Strategy, there has also been a considerable net gain of floorspace on existing employment sites within these settlements, primarily due to the commitment of new research and development facilities at MIRA, Higham on the Hill.
- 8.14 As previously discussed, the ELPs (2020) provide an evidence base for Hinckley and Bosworth specific needs. The Housing and Economic Development Needs Assessment (HEDNA), produced on behalf of the Leicester and Leicestershire Authorities and the Leicester and Leicestershire Enterprise Partnership in January 2017, also assesses employment land requirements both local and strategic, for Hinckley and Bosworth Borough over the period to 2036. The HEDNA identifies the specific need for employment land, and in addition to that set out in the table below, Local Authorities will also need to seek to meet the need from strategic B8 uses.

Table 83: Employment Land Needs (Ha)

	2011-2031			2011-2036		
	B1a/b	B1c/B2	Small B8	B1a/b	B1c/B2	Small B8
Leicester	2-6	36	15	3-7	45	19
Blaby	37-45	15	10	47-48	19	12
Charnwood	14-37	21	11	17-40	26	13
Harborough	14-21	22	8	17-24	28	9
H&B	11-32	14	16	13-34	17	20
Melton	10-18	21	14	10-23	26	17
NWL	45-46	3	17	50-56	4	21
O&W	1	0	4	2	0	5
FEMA	142-198	132	93	177-215	165	117

Source: GL Hearn, 2016

- 8.15 The assessments states that Leicestershire authorities are strategically located at the centre of the UK and see strong demand for logistics/ distribution floor space and shows a strong market demand for additional B8 development. The assessment identifies a need for small scale B8 development also (less than 9,000 sqm).
- 8.16 The Site Allocations and Development Management Policies DPD implements the policies within the Core Strategy and contains policies to help guide new employment development and protect existing employment floor space.
- 8.17 The application site is outside of any defined settlement boundary and is not immediately adjacent to an existing employment site. However it is noted that to the north west of the application site on the opposing side of west lane, is an employment development which is currently under construction, with an allocated employment site beyond, off Beveridge Lane, Interlink Distribution Park (Ref: STA20). This site is identified within the Employment Land and Premises Review as a category A site, meaning it is a key employment site to be retained.
- 8.18 The application has been supported with a Social Economic Statement, which assesses the application against Policy DM20 and includes a marketing report by CBRE. The marketing report considers the existing supply and current demand for named active occupier requirements that are unable to satisfy requirements due to lack of existing buildings, who would be forced to look further afield. The report concludes that the take up of new build has exceeded supply and overall availability of 100,000sqft units nationally have decreased through 2019. Demand continues to rise due to the changing consumer habits, and the overall availability of 100,000sq ft. units nationally has decreased. However demand is being driven by the growth of the online retail sector due to the changing consumer habits, with the continued shift from high street towards e-commerce, creating a growing demand for distribution space.
- 8.19 The report identifies that the site has strong locational credentials with a market demand. It is identified and acknowledged that there are existing large employment sites in Hinckley and Bosworth Borough, in particular MIRA, which is in excess of 34hectres, which is a technological park. This site however is identified as not suitable for traditional B2 or B8 uses and could not be accommodated without undermining the existing economic strategies of the Leicester and Leicestershire Local Enterprise Partnership. A side from this there is also an approved large scale site known as 'Hinckley Park' which is situated to the east of Junction 1 of the M69 with a total of around 55 hectare site, which is being marketed to target a range of large scale and smaller scale industrial and distribution occupiers. The site is already committed by DPD where a large scale distribution centre is due to open shortly. There is also a further large scale distribution unit which is also under construction with a secured occupier, leaving 7 hectares being targeted towards B1c light industrial and B2 industrial operators providing approximately 41,000 sqm across a number of small buildings to meet more local employment needs. This site does make a direct contribution to the employment land supply in the Borough. However the site is not situated in close proximity to existing to an existing industrial and logistics park, which is a key characteristic which the HEDNA reports to help with a specialised workforce.
- 8.20 The CBRE Report does acknowledge the vacant Interlink 225 site which has previously remained vacant and is now under offer from an occupier and therefore no longer available. It long term vacancy however is due to the specification of the building which lends itself to bulk storage rather than the through put of goods which is more appropriate for the retail market, which is identified as where much of

the current demand originates. There has also been the recent sale of Nailstone Colliery to Aldi, but there maintains to be occupiers in the local area which are unable to satisfy requirements of the business needs due to the lack of existing buildings or land.

- 8.21 It is identified through the submission and supporting report that the application site occupies a strong locational credential, situated in what is known as the 'Golden Triangle' with links to the A511 and Junction 22 of the M1 all being in close proximity to the application site. The applicant is also able to provide and identify a comprehensive list of named occupiers with interests in the locality and who have declared an interest, due to the lack of available space for large unit occupiers, including a local established business seeking a larger premises. Four of the twelve named operators are currently active within the local area, and are unable to satisfy requirements due to lack of existing buildings, who will be forced to look further afield to satisfy requirements which would result in a decrease of employment opportunities for the area.
- 8.22 The size and mix of the proposed unit would be a matter for a reserved matter, however indicative plans which accompany the application identifies two larger units are capable of being accommodated on the application site. The parameters plan which accompanies the application demonstrates that the max floor area to be accommodated on site would be 89,200 sqm equating to approximately 1200 full time equivalent jobs (Calculated using Homes and Communities Agency, Employment Density Guide, 3rd Edition and evidence from other desk based research on employment yield), being delivered through the development. The construction investments of the proposed development are estimated to be £63million, with a proposed two year construction period the development would support 450 construction jobs. As well on site employment, it is estimated that once operational the scheme could generate additional off site benefits from both the corporate supply chain and employee expenditure within the wider economy.
- 8.23 To support and raise the level of local skill set within the workforce, the applicant will seek to promote local employment opportunities and where possible encourage and facilitate learning, through the provision and agreement of a Local Employment Training Strategy. This will be committed by way of a Section 106 to provide young people with a chance to gain valuable site and project related experience, specially targeting the unemployed Hinckley and Bosworth Borough Council residents and job seeking local students. This seeks to maximise the labour pool so that local unemployed people and local job seeking students have access to available job opportunities. The applicant would work in partnership with Hinckley and Bosworth Borough Council to facilitate this economic regeneration, ensuring vacancies and recruitment exercises are advertised in the context, therefore directly benefiting the Borough.
- 8.24 The NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be use in preference to higher quality. The application has been accompanied by a Soil Resource and Agricultural Land Quality study which surveyed 47.9ha of agricultural land, of which 9.4ha is undisturbed agricultural soils along the southern margin, a total of 35.7 ha of the land to the north of the site was remodelled in the 1980s on extension of the Cliffe Hill Quarry which is positioned to the north of the application site. This development would result in the loss of approximately 47.9 ha of agricultural land, 23% is Subgrade 3a (Good), 71% Subgrade 3b (Moderate) and 0.2% Subgrade 4 (Poor Quality) in the Agricultural Land Classification (ALC) system). The current farming regime of BMV land within the application site is consistent with farming practices within the site as a whole, being limited to land used for livestock grazing rather than supporting a wide range of agricultural and

horticultural crops. As such, the benefits of the presence of BMV land have been muted by farming practices being associated with lower quality land.

- 8.25 Given the quality of this land and its constrained nature; and preferable location compared to other greenfield sites which could involve loss of best and most versatile agricultural land it is considered that the proposal is acceptable in this regard, the loss of this should be weighed in the balance of the merits of the scheme.
- 8.26 The proposed development would make a significant contribution to economic growth and job creation within the Borough and wider local area, notwithstanding revising the developable floor space; in addition, the applicant has satisfactorily demonstrated that there are no suitable alternative employment sites to accommodate the demand within the market in the short term, the proposal although outside the settlement boundary, would comply with Policy DM4 of the SADMP, subject to consideration of the impact upon the character of the countryside and all other material planning considerations. The proposal has demonstrated through the submission of a sequential test and market appraisal that there would be no alternative suitable site to meet the short term identified need, to accord with Policy DM20 of the SADMP.

Loss and replacement of the agricultural farmstead

- 8.27 Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The proposed development would seek the development of the existing farmstead and relocate the existing farmstead further south along Stanton Lane.
- 8.28 As previously mentioned given the site's location outside of the settlement boundary of Stanton under Bardon, Policy DM4 of the SADMP is of relevance. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. The policy does not support the construction of new dwellings within the countryside unless it relates to the provision of accommodation for a rural worker in line with Policy DM5 and also meets the relevant criteria within the second part of Policy DM4. The proposed development is to accommodate rural workers and therefore Policy DM5 is applicable.
- 8.29 Policy DM5 allows for the provision of rural worker accommodation where the following special circumstances can be demonstrated; it is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time, permanent employment which directly relates to the rural enterprise; and the rural enterprise is economically sustainable and has a clear prospect or remaining so; and there are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area; and the proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise. The assessment of the proposal against the criteria a-d set out in Policy DM5 of the SADMP is as follows:
- a) **It is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time employment, permanent employment which directly relates to the rural enterprise;**
- 8.30 The existing farmstead has been in existence for a considerable amount of time, and supports a livestock rearing enterprise. Therefore the need of for agricultural

buildings proposed derives not only from the demolition of the existing farmstead, but also from deficiencies associated with those buildings. The general scale of the livestock and arable activity of the farm business would be unchanged. The emphasis should the farmstead be relocated is to improve the quality of the livestock reared and the scope to manage the storage and sale of surplus cereal crops.

- 8.31 Planning Practice Guidance describes essential functional need as relating to circumstances where the on-site presence of a worker is necessary to ensure the effective operation of an agricultural enterprise as a consequence of animals or agricultural processes requiring daily 24-hour attention, of there being a risk to human or animal health or from crime, or of the necessity to deal with emergencies that could cause serious loss of crops or products. Essential need is, therefore, primarily concerned with the management of risks within the operation of an enterprise, and in all cases, these would relate to circumstances which cannot be managed within normal working hours. The single greatest risk management in this application is that of animal husbandry.
- 8.32 The Farm Business Appraisal calculates the labour requirement of the farm business at 4.4 workers, of which 1.3 workers are allocated to animal husbandry tasks. However, it is considered that this calculation based on standard man data factors underestimates the labour requirement in the context of the enterprises involvement with the breeding and rearing of pedigree cattle of high genetic quality, the numbers of which are intended to increase at the relocated farmstead. It is argued that the application of the level of care attention necessary to support such high value animals and the genetic control of their breeding requires the labour of 2 workers, from a total farm labour requirement of 4.9 workers.
- 8.33 When having regard to the management of the breeding programme, it is demanding with the management of tasks beyond routine with animals presenting predictable or unforeseen demands outside normal working hours. This is particularly the case when cows are in calf and giving birth, the care of calves which require a substantial level of care during the early phase of development, and when they are being kept in housed conditioned and are entirely dependent on the intervention of the stockman. Wood Farm, calves throughout the year and indicates that some animals comprise of cereal beef which are usually managed in a housed system. Furthermore, the livestock will be housed throughout the winter period.
- 8.34 In the light of the above considerations, the numbers and circumstances of the animals within the existing farm enterprise should the farm be relocated, then the farmstead would require the ready availability of a key worker at most times. If the current position of two workers being house on the farm was not replicated it is considered that there would be inevitable detrimental effects on the effective management of operations, as well as the welfare or the livestock and the health and safety considerations.

b) The rural enterprise is economically sustainable and has a clear prospect of remaining so;

- 8.35 The unit is long established, and the projected financial assessment of the farm business which is based upon actual farm data and industry standard data provides what is considered to be a realistic picture should the farmstead be relocated and provide improvements to both the livestock and arable enterprises being realised, within the general uncertainties of the agricultural industry immediately post Brexit.

c) There are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area;

- 8.36 There are no existing residential properties in the immediate proximity of the proposed relocated farmstead. The nearest settlement of Stanton under Bardon would not provide the level of supervisory oversight necessary with adverse consequences, particularly as there is a paucity of suitable and available properties in that settlement.

d) The proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise

- 8.37 The proposed scale of the workers accommodation would be approximately 173.1sqm exclusive of 22.5sqm of office space. The proposed dwellings would provide 2 and 3 bedroomed properties across two storeys. The proposed dwellings are not considered unusually large in the general size range of agricultural dwellings, with dwellings of 200sqm being at the upper end of the range.
- 8.38 In addition to the replacement dwellings, the proposal also seeks to replace the agricultural buildings, and provide a farmstead suitable for the agricultural enterprise. Whilst as previously mentioned the scale of the enterprise would be unchanged, it is proposed to consolidate and improve the quality of the housed provision on site, through the provision of modern storage facilities. The proposed buildings which are made up of 5 separate buildings comprising of workshops, grain stores, cattle and bull pens have been sized and designed to industry spatial requirements, with some flexibility built into cattle pens to provide storage of machinery. Although there is an increase in built development compared to the existing farmstead, the proposed replacement farmstead appears more compact and functionally effective to that of the current provision. It is considered therefore that when having regard to the existing provision and in light of the agricultural appraisal and the needs of the business the proposed buildings are considered appropriate in terms of the scale and form from an agricultural perspective.
- 8.39 The proposed replacement farmstead, is considered to meet the criteria set out in Policy DM5 of the SADMP, and would be of a scale to serve the demonstrated needs of the existing enterprise. However the existing farmstead currently meets this need, and as such the loss of the existing farmstead for the erection of a proposed employment site, would be weighed in the consideration of the application as a whole.

Impact upon Cliffe Hill Quarry and Safeguarding minerals

- 8.40 Policy DM6 of the SADMP seeks that development proposals demonstrate how they conserve and enhance features of nature and geological value, with the primary objective to conserve and enhance biodiversity or geology interests.
- 8.41 The application site is situated to the south of Cliffe Hill Quarry, which extends to the east of Stanton Under Bardon, this is afforded protection at the national level, as an identified SSSI. However the site being considered in this application, is positioned to the west of Stanton Under Bardon, and therefore not immediately bound to the site which is identified as a SSSI designation.
- 8.42 Nevertheless in terms of the site with the quarry to the north and its proximity, The National Planning Policy Framework (NPPF) states that minerals are essential to provide the infrastructure, buildings, energy and goods that the country needs (Paragraph 203). It goes on to say that, since minerals are a finite natural resource which can only be worked where they are found, it is important to make best use of them to secure their long term conservation. The need to safeguard valuable mineral resources is recognised in paragraphs 204 and 206 of the NPPF.

- 8.43 The proposed application area lies within a Igneous Rock Mineral Consultation Area. Given its proximity to Cliffe Hill Quarry, the proposal has potential to sterilise a valuable mineral resource which benefits from planning permission and is currently operational. Policy M11 of the adopted Leicestershire Minerals and Waste Local Plan states that planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or the mineral can be extracted satisfactorily prior to the incompatible development taking place. The application has been supported by a Minerals assessment and Leicestershire County Council (Minerals) has had regard to the submitted application and raise no objections.
- 8.44 The assessment identifies that all potentially workable mineral reserves at New Cliffe Hill Quarry are exhausted and it is not commercially viable to extract this, and is underlain by brickclay which is known to have extensive reserves in Western Leicestershire. Furthermore the proposed development site is situated outside any brickclay area. New Cliffe Hill Quarry is a designated safeguard waste site and there is a 100 metre lateral distance and existing spoil bund between the proposed development, and therefore the proposed development is not considered to have a detrimental impact upon the geological interests of the neighbouring quarry, and is therefore in accordance with Policy 6 of the SADMP.

Design and impact upon the character of the area

- 8.45 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.46 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified. Policy 21 of the Core Strategy supports development in the National Forest providing that the siting and scale of the proposed development is appropriately related to its setting within the forest, and respects the character and appearance of the wider countryside. Policy 22 of the Core Strategy supports proposals that maintain the traditional working landscape of the forest, provide new recreation facilities, provide access to and from the rural areas, retain the local character, enhance open spaces, enhance woodland and habitat provision and connectivity.

Landscape and visual impact

- 8.47 The application site is situated within Character Area A - 'Charnwood Forest Settled Forest Hills' as identified within the Landscape Character Assessment (2017). Key characteristics are prominent elevated landforms, diverse land uses which relate to the varied geology, small to medium scale field patterns interspersed with large areas of woodland cover, proximity to Leicester City and major transport infrastructure. The Assessment identifies and provides a general overview of key sensitivities for that Character Area and sets out a strategy for each area, which for Character Area A, is as follows:

- 1) Conserve and enhance the historic core of village settlements and ensure extensions are well integrated within this wooded landscape. Promote characteristic building forms.
 - 2) Support the vision of the National Forest Strategy by planting native and mixed species woodland, linking areas beyond the National Forest boundary.
 - 3) Conserve the distinct and separate identity of Groby and Ratby, including the rural gap that separate the villages.
 - 4) Locate solar farms and wind turbines in the least sensitive areas.
 - 5) Conserve rocky outcrops and semi-natural vegetation in disused quarries. Promote amenity and biodiversity through quarry restoration schemes.
 - 6) Conserve and enhance the well wooded character of the landscape. Promote woodland management such as coppicing and ground flora diversification, as well as hedgerow tree planting.
 - 7) Promote a positive landscape strategy, including woodland planting, around Stanton under- Bardon to help integrate the industrial units, quarries and development pressures associated with the M1 (junction 22).
- 8.48 The topography of the sites context is undulating, with areas of mineral workings and restored land creating dramatic changes within the area, however generally it falls from the north to the south west. The submitted LVIA identifies that the application site comprise of two areas of land, the main and largest area of site is situated off Stanton Lane and immediately to the south of the B585 (West Lane) and a further site area, proposed for the relocated farmstead is located further east of the main site along the northern side of Stanton Lane.
- 8.49 The application site comprises of a number of medium sized pasture fields bounded by mixed hedgerows, with Wood Farm and associated buildings located to the south west of the site situated on Stanton Lane. There is existing mature trees and woodland along the north west edge adjacent to the B585 (West Lane), Pylons and powerlines extend across which travel east - west direction. A Public Right of Way extends along the northern edge of the site across on higher ground which travels around the edge of the quarry (R114), there is also a further footpath which would pass through the south east corner of the proposed farm site (R31). The quarry to the north is set beyond maturing woodland, however this planting is not overly mature on as this planting was done following the quarry operations commencing.
- 8.50 The submitted LVIA considers the effects of the development on the landscape, in the context of the national, regional and county scale landscape character areas, it is considered that the proposed development once operational would have contained implications and effects on the landscape character area, which would be considered minor adverse, as the development is reflective of the broad geographic extent of the character area. The LVIA identifies that at a local level the proposed development would have a direct effect upon Landscape character Area (6) Thringstone/Markfield Quarries Settlement (Charnwood Forest Landscape Character Assessment) and Charnwood Forest Settled Forest Hills (Area A) of the Hinckley and Bosworth Landscape Character Assessment, to which the site is situated within and adjacent to. Although harm has been identified at this level it would be considered localised and its impact at most has been identified as Minor/moderate adverse.
- 8.51 The proposed development would change the use and character of the application site to commercial; however the nature and appearance of the proposed development would be reflective of its immediate context to the north. The proposed development would be accompanied by a comprehensive landscape strategy, which would provide a wooded setting to the proposed development. The proposed development would also alter the current landform, with a cut and fill approach to the earthworks, with the most southern parts raised and moulded to assist in

providing a visual screen, and to the north the land lowered, providing development plateaus.

- 8.52 The proposed farmstead which would be situated to the east, would comprise of two dwellings and a number of farm buildings, including new landscaping and sustainable drainage measures. Within the vicinity there are a number of other existing dwellings and farm buildings to the south west and south east along Stanton Lane. The proposed farmstead would conserve and manage existing trees and hedgerows with the exception to a section which would be removed to facilitate the access. Given the siting and layout of the proposed farmstead, it would occupy a relatively enclosed landscape setting, and would be reflective of other farming properties within the surrounding landscape.
- 8.53 When however having regard to the magnitude of the change to this landscape arising from the completed development the LVIA identifies that the development would result in Medium/High resulting in a moderate adverse landscape effect, due to the larger proportion of the application proposing an employment development. The impact of the farmstead however when judged in isolation would be substantially smaller.
- 8.54 The LVIA includes a comprehensive visual impact assessment, which considers and determines the potential effects upon surrounding receptors. The LVIA also includes an illustrative scheme upon full completion of the earthworks using the maximum parameters of the proposed development from a number of viewpoints, upon full completion and at 15 years post completion. The viewpoints includes residential properties, neighbouring settlements, rights of ways and other footpaths and other visual receptors situated at a more distant view, of over 3 kilometres.
- 8.55 The clearest views of the site from the nearest receptor would be from Strawhall Farm, which is situated to the south of proposed commercial element of the development, and would obtain views towards the north east, with clearer views obtained from the vehicular access. However views would be somewhat filtered and restricted by a combination of intervening existing tree and planting to the south of Stanton Lane. This revised scheme provides a community woodland area in the east of the site, and therefore relatively clearer views from the property towards the north east will be towards the proposed community woodland area in the east of the site. From the vast majority of properties and locations at Stanton under Bardon to the east of the site, the LVIA identifies that there will be no views towards the proposed development. From the south west edge of the village of Stanton Under Bardon, there would be a limited numbers of properties with limited views of the application site. However when considering the proposed landscape strategy, views would be limited to the most upper parts of the building, therefore the Moderate/major adverse effect upon this property would reduce over time.
- 8.56 It would also be possible for distant views of the commercial proposal to be achieved from the eastern side of the settlement of Bagworth which occupies an elevated position. The farmstead would not be viewable. However the views would be intervened by farmland and woodland on the rising ground up to the quarry providing visual filtering to the development.
- 8.57 There are a series of public rights of ways which extend across the landscape around the site, with a PROW extending along the north boundary of the application site following the quarry edges (R114), and a further PROW along the south east corner of the proposed farmstead (R31). It is acknowledged within the LVIA that the proposed development would form a dominant element in the views along PRWO R114 however it would not obstruct all distant and long ranging views of the landscape beyond, with a major/moderate harm identified along these receptors. Proposed mitigation along the higher slopes within the site and close to the footpath

route would include planting to assist in filtering some of the closest and clearest views. To the south of the site and Stanton Lane there are 2 PROW and a permissive footpath (Refs J and K) which extend across the farmland in a south west direction and would have varying views towards the proposed development from certain stretches, with the clearest being from PROW 33 situated on higher ground south of Stanton Lane. At the closest and clearest points would be moderate/major adverse, however this would only arise over limited stretches of the footpaths. In the wider footpath network, views would either be limited at year 15 once planting is established, of the site or none at all due to being filtered by existing woodland and landscaping. The most notable visual effects from the proposed development would arise from the PROW however these would be confined to the site and its immediate context and other wider effects and influences. The effect of the relocation of the farmstead would be limited and localised.

- 8.58 The LVIA concludes that there will be some adverse landscape and visual effects; however these are localised and limited in their immediate context and limited receptors. It is acknowledged that upon completion the harm would be at its worst, however following the maturing of the landscaping planted and other mitigation measures in place it is considered that the overall harm to the landscape character of the local area having regard to the LVIA is considered to be minor to moderate. This is due to the proposed mitigation, which includes the conservation of the existing woodland/tree planting, translocation of selected existing trees and hedgerows within the site, land formation and moulding along the eastern site long with a proposed community woodland and the proposed PROW ways through the application site and a comprehensive long term management of landscaping.

Siting Design and Layout

- 8.59 The outline element of the proposal is for the erection of up to 89,200 sqm of B2 (General Industry) and B8 use (Storage and Distribution). An indicative masterplan and layout has been provided demonstrating the site can accommodate the proposal. The proposal has been informed by the sites changes in levels having regard to the findings contained within the LVIA. The parameters provide a maximum ridge height of buildings of 21 metres, which would allow buildings to achieve an 18 metre clear internal height, providing functionality and flexibility. This revised scheme represents an approximately 22% reduction in floorspace compared to the previously refused scheme (Planning reference 20/00407/HYB) with a proposal of nearly 50% of the developable site comprising of landscaping and green space, including the establishment of a new community woodland area. Levels across the site vary, and therefore any reserved matters should include finished floor levels. The indicative appearance of the proposed units reflect the wider locality in terms of the design and scale, and would be seen in the context of the wider employment site to the north.
- 8.60 The proposed units would be set in within the site, and the parameters plan and indicative layout demonstrates that the existing woodland and trees to the perimeter of the site would be retained to the south west corner of the site, with a community woodland occupying the east portion of the application site. The application has been supported by a landscape strategy, and seeks to provide strong buffers along the boundary, of depths of up to 60 metres in areas along Stanton Lane. The landscape scheme also includes National Forest planting strategy, to accord with Core Strategy Policies 21 and 22. The strategy also identifies how pedestrian links would be provided and landscaped through the development and community woodland, with the translocation of trees where possible, to create a more established landscaping scheme.

- 8.61 The proposed replacement farmstead which forms the full element of the application, would provide two farm manager dwellings, with the associated agricultural buildings, to support the established farmstead, and would be situated to the west of the existing power substation. The application site comprises of two parcels of agricultural land, which is divided. The south half of the site would comprise of two farm managers dwellings, which would be located either side of a proposed access road, along with a workshop. The access road extends north into the site which serves the farmyard, which comprises of 4 agricultural buildings with an open storage area for cattle. The agricultural buildings respond to the demonstrated needs of the enterprise and are functional in appearance; the steel portal framed buildings include concrete planks at base level with Yorkshire Boarding or box profile cladding to the wall and natural roof sheeting. The buildings would have a maximum height of 6.11 metres. Notwithstanding the fact that the proposal would introduce built form within the countryside, the agricultural buildings proposed would be of a flexible, general purpose character typical of those seen on many farms. The buildings are considered to be functional and appropriate in design, and are arranged in a courtyard formation. As such, the proposed farm buildings would not be out of keeping with the rural character of the area.
- 8.62 The proposed dwellings would be two storey in scale and would provide 195.6 square metres each of residential floor space and agricultural related floor space. The proposed dwellings are of individual design, and are of brick and tile, with grey aluminium windows and render. The proposed dwellings include design features such as chimneys, the use of projecting gables have also been used to provide relief within the elevations. The proposal also includes additional landscaping and planting to the south east corner and balancing pond, with the existing right of way diverted along the eastern boundary and incorporated into the landscape strategy of the site.
- 8.63 The proposal would extend development beyond any defined settlement boundary and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore have a degree of conflict with Policy DM4 of the SADMP. However whilst there would be conflict of Policy DM4 of the SADMP overall it is deemed that subject to the imposition of conditions, and satisfactory layout and appearance the outline scheme would incorporate a high standard of landscaping as well as a community woodland, all of which adds to the quality of design and provides a robust mitigation strategy.
- 8.64 The proposed full application is considered to complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping. It helps support the National Forest Strategy and respects the character and appearance of the wider countryside. In accordance with Core Strategy Policies 21 and 22, Policy DM4, DM5 and DM10 of the SADMP DPD and the overarching principles of the NPPF.
- National Forest
- 8.65 Policy 21 of the Core Strategy in order to supports the implementation of the National Forest to the north east of the Borough, requires that proposals contribute to the delivery of the National Forest Strategy.
- 8.66 The National Forest Strategy requires the development to provide woodland planting in accordance with their Guide for Developers and Planners. The guide expects a development of this scale to incorporate 30% of the site area as woodland planting, which would equate to 10.49ha.

- 8.67 The proposed development would provide green infrastructure as part of the landscaping proposal and the requirements would be met as follows:-
Existing woodland to be retained – 0.87ha;
National Forest planting on the outline element of the site – 14.54ha;
National Forest planting at propose farmstead – 0.46ha
Total area – 15.87Ha.
- 8.68 In terms of the proposed planting within the outline application site, the revised proposal seeks indicatively two large units in the north west section of the site with the south east area of the site now proposed to be a 'structural landscaping belt'. The proposal identifies a total area of 15.11ha of National Forest Landscaping which would be primarily situated to the east side of the site with smaller areas of planting allocated towards the north east and south west boundaries. There would also be 0.67ha of existing woodland retained between the proposed buildings and the northern boundary and would fulfil the requirement of Core Strategy Policy 21 and the National Forest Strategy.
- 8.69 The provision of a mixture of broadleaved woodland, wet woodland and grassland would be considered acceptable. Further planting details including size and species proposed should be provided at reserved matters stage. The National Forest Company (NFC) would want to see appropriate design references to the national forest location such as in relation to the proposed materials for the buildings and any ancillary development within the curtilages of the proposed buildings. The incorporation of appropriate energy conservation and sustainability measures should also form part of any reserved matters submission.
- 8.70 In terms of the proposed changes to public access, the NFC notes the proposal to provide additional linkages between Grange Walk (NFC promoted footpath) and existing public footpaths in the area, is generally welcomed as it improves the existing connection to the north and south without the need to traverse a section of Stanton Lane. Therefore the proposed development is considered to adequately mitigate the impact upon the National Forest subject to the imposition of conditions and a legal agreement to secure off site planting and management.
- Impact upon neighbouring residential amenity
- 8.71 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.72 Impacts upon residential amenity from the proposed commercial use in the outline element of the proposal have also been considered in the pollution section of this report. It should be noted that objections received in respect to the loss of a view is not a material consideration.
- 8.73 Residential properties along Stanton Lane, to the south of the application site, are limited and sporadic and are set back from highway. Strawhall Farm is situated to the south of the commercial proposal. Although Environmental Health have considered impact upon residential properties and found there to be suitable mitigation from pollution; the submitted LVIA highlights that the visual impact from this property is likely to be moderate/major. This is due to the outlook from the property would be altered permanently. However, consideration is given to the proposed landscaping treatment along this section and the separation distance to the proposed buildings. Therefore although the landscape character view from this property would be adversely altered this would not have an overall adverse impact upon the residential amenity of this property as result of the proposed mitigation.

Impact upon highway safety

- 8.74 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.75 The proposed development would be accessed via a proposed new roundabout on the B858 (West Lane), with a secondary car park access provided on Stanton Lane, to serve the up to 89,200 sqm of B2/B8 employment use. The proposed secondary access from Stanton Lane, has been provided due to an end user requirement to provide a separate car park access, which allows for greater efficiency in on site operations.
- 8.76 The most notable alternative route to the site from the A511 is via Stanton Under Bardon, via Sutton Lane, Main Street and Stanton Lane, which are all unclassified roads. Stanton Lane is a rural road and beyond the proposed farm access there are a number of narrow bends in the road. On street parking is present at a number of locations along Main Street through Stanton under Bardon. The proposed development would include widening of Stanton Lane up to the secondary access and specifically the location of the secondary access, which is located as close as possible to the classified and strategic road networks. As such the Highways Authority consider the secondary access proposed to be acceptable and that it is unlikely a significant number of drivers would need to U turn at the proposed roundabout to travel along Stanton lane.
- 8.77 Due to the outline nature of the application for the employment use, the internal layout is yet to be determined. However the secondary access is not considered appropriate for HGV use with the primary access is considered to be more appropriate for HGV use. It is also identified and emphasised that Stanton Lane has an existing weight restriction and any reserved matters application requiring HGV access off Stanton Lane, would be resisted.
- 8.78 The proposed farmstead would comprise of two farmhouses and a number of associated agricultural buildings. The existing farmstead comprises of three private driveway and an agricultural access all off Stanton Lane, which is an unclassified derestricted road. Vehicle tracking of a tractor has been submitted as well as speed surveys. The tracking demonstrated that a tractor would take up a section of the carriageway, however given the existing farmstead is being relocated from further along the road, the majority of trips would already be using the road, in addition Stanton Lane is a rural road and it is considered that the presence of farming vehicles would not be unexpected along such a route.
- 8.79 As this is a resubmission the site access for the proposed relocated farmstead has already been considered and has demonstrated that the proposed access would be considered as satisfactory.
- 8.80 As part of the previous scheme junction capacity assessments were carried out and considered acceptable. The previous scheme considered 11 surrounding junctions along with traffic flow diagrams which include committed developments. The access junctions were found to have adequate capacity, however adverse impact were found to occur at some off site junctions along the A511. However to mitigate the impact on the A511 it was considered that a contribution in line with the Coalville Transport Strategy to the A511 Growth Plan Corridor improvements.

- 8.81 The applicant has not updated the existing assessment however the proposed development is 22% smaller than the previously considered scheme, a worst case scenario has already been assessed and that the impacts of the development off site junction would be reduced accordingly. However notwithstanding the reduction in movements the LHA consider that there are a number of junctions along the A511 which would operate overcapacity in 2025, with increase in queuing and delays. Therefore although smaller in scale the development would have a direct impact upon junctions and it would still be considered necessary that a contribution based on the total developable area of the site towards the Coalville Transportation Strategy to mitigate the direct impact upon those junctions.
- 8.82 In terms of trip generation, the application has provided the same trip rates which have previously been accepted by the LHA as part of the previous scheme and therefore considered acceptable. The level of light vehicle and HGV trips have reduced as part of this proposal and therefore the proposal would result in a reduction in the volume of traffic on the surrounding highway network during peak hours in comparison to the previous application. The applicant has given further consideration towards the impact of traffic in Stanton Under Bardon within the submitted Traffic Assessment. In the first instance, they have considered HGV trips, and the LHA would not expect the development to generate HGV trips through the village given the existing TROs in the surrounding area, and any breach of the weight restriction would be an enforcement matter for the police.
- 8.83 Car traffic routing through Stanton Under Bardon has also been considered, and the trip generation calculations were similar to those on an adjacent site off the B585. Trip generation calculations are similar to the previous submission and for the adjacent site, and have previously been considered acceptable.
- 8.84 In terms of the wider network, and its impact upon the M1 junction Highways England have reviewed the survey data of the junction capacity assessment and the assessment scenarios. The capacity assessment of the M1 junction indicates that while the junction would operate overcapacity, this affected a single arm (M1 southbound off-slip) and all arms on the County network (A511, A50 & Cliffe Lane) would all operate within capacity. The Coalville Transport Strategy includes a sum for mitigation works at M1 J22 and subsequently, LEP Growth Fund monies were provided to deliver improvement works at M1 J22 in 2017.
- 8.85 LCC and Highways England as the Local Highway Authority have no objection to the development, however they have suggested that development proposals could be acceptable in highway safety concerns subject to the imposition of a number of conditions and off site obligations prior to the commencement of the development. Subject to these, the proposal is considered acceptable and in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon Public Rights of Way

- 8.86 An existing right of way R114 runs along the north edge of the application site, where the site borders the Quarry. The development seeks to provide new paths to the east and south boundaries to link with a wider footpath network, with footpath Q99 which extends south, and diversions proposed to footpath R9 and R33 (to the west and south of the application site).
- 8.87 The revised scheme proposes an increased landscaping to the south of the application site, and the illustrative masterplan proposed new pedestrian links which connect to footpath R114 to the north of the site and Q99 at the south of the site. The proposal is supported by LCC (Public Right of Way) as it provides new links

through a proposed community woodland area and connections to wider surrounding footpaths.

- 8.88 In order to improve the surrounding networks, Leicester Highways Authority have requested 640mm x 2m crushed stone surfacing to footpath N47 between West Lane and Bardon Business Park as well as 100m x 3m length to footpath R31 at Stanton Lane as well as installation of a five kissing gates along the routes of N47, R9 and R33. Accordingly following consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed development and its impact upon the surrounding network, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.

Impact upon Trees

- 8.89 The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.90 The application although in part is outline form, does provide full details of the proposed access points to serve the commercial element and full details of the farmstead. The larger portion of the development would provide two access points, one on West Lane for HGVs and a second along Stanton Lane, which would serve unit 1 staff only. The proposed access points have been located to minimise tree loss and to retain the larger portion of higher quality trees. There is a tree preservation order (Ref: 83/00007/TPO) which is situated along the west boundary of the application site. The proposed development would not result in any loss to these trees covered by the order, and would be retained. Within the site it is predominately young trees and hedges that currently separate fields and are to be removed. Along the southern roadside boundary to the application site larger and more prominent trees are to be retained to sustain the presence of maturing trees within the street scene.
- 8.91 Within the new proposed farmstead, although the quality of trees and hedgerow are low in quality there are no trees to be removed, and two sections of hedge are to be removed. The development would provide opportunities for the inclusion of a well designed landscaping scheme on site, therefore more than compensating for the loss. The proposed landscaping mitigation measures also provide woodland planting in accordance the National Forest Guide which would have greater longevity within the landscape. The landscaping scheme would also provide opportunities species diversity for the site. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that could be provided and the significant social benefits of this development. Given the loss of trees any subsequent application should seek to mitigate the loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that could be provided and the social and economic benefits of this development.
- 8.92 Therefore it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP.

Ecology

- 8.93 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused. Paragraph 170 of the NPPF states

that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal. The application has been supported and accompanied with a protected species and ecology surveys for consideration.

- 8.94 The main habitats on site are improved pasture grasslands of low ecology value. None of the hedges affected by the development are 'important' and species-rich, as defined in the Hedgerow Regulations, and therefore their loss to the development could be adequately compensated for by replacement planting as part of any development. It is noted that there is some near veteran oaks along the perimeter of the application site to the north and west, however they are to be retained, with the exception of one good Oak T149, however its retention would not be possible, nor would direct compensation, however the proposed development would propose planting of woodland and scrub which would go some way in providing some compensatory habitat.
- 8.95 During the course of the application additional information concerning the habitat survey and consideration has been provided following consultation with Leicestershire County Council (Ecology). The proposed farmstead would be situated approximately 20 metres to a great crested newt population in the lagoons directly adjacent to the application site, and therefore consideration to mitigation and long term disturbance and loss of habitat quality is for consideration as part of this proposal. The proposed drainage strategy for the farm site, identifies that drainage from the farm site would be directed away from the adjacent ponds. The ponds to the north and west of the application have been found to support GCN and are therefore the most sensitive, however they are positioned uphill from the application site and as such it is considered unlikely that run off from the site would impact upon the water quality of these ponds. As part of the mitigation proposals accompanying the application it is proposed that the grasslands surrounding the pond would be enhanced, as well as the creation of a buffer of suitable habitat along the northern edge of the site to provide mitigation.
- 8.96 The existing farmstead and its buildings provide for bat roosts, swallows and house sparrow nest sites, as well as a Local Wildlife site pond and toad colony. The existing farm buildings have several bat roosts, one of which, Brown Long-eared bat is of significance, as 13 bats were recorded emerging from the roof. Brown Long-eared bats require larger space in which to roost, and cannot be compensated through the use of usual bat boxes. The proposed employment buildings do not provide any suitable opportunities for roost creation, however it is proposed that a purpose built bat house within the site located away from lighting and connected to bat foraging habitats is considered acceptable, subject to detail and siting. The loss of roosts would also require full EPS licensing from Natural England.
- 8.97 The buildings also host a swallows, five nest cups have been recorded. Swallows are identified as a local Biodiversity Action Plan priority species. Given this compensation nest site large enough to accommodate the colony would be considered necessary in compensating for this.
- 8.98 The location of the proposed bat house, is subject to further consideration as part of the detailed design of any subsequent reserved matters application, however indicatively the proposed bat house and its siting is likely to be positioned to the south east corner within the woodland. The area would provide a dark spot, with the proposed woodland and waterbody providing good foraging habitat, with commuting routes along the existing hedgerows. It would also be positioned in close proximity to the waterbodies proving good foraging habitat. It is proposed that the purpose designed bat house would also provide alternative nesting spaces for swallows and house sparrows. As well as compensation for the house sparrow being provided within the new farm buildings. It is also proposed to create additional waterbodies

that are not linked to the attenuation features that allow for a more constant water levels on site to be provided, which would provide additional habitat on site.

8.99 Pond 3 which is situated to the north east of the existing farmstead and is identified as a Local Wildlife Site. It is cited for its population of a pondweed, Potamogeton species, which indicates good aquatic habitats and water quality, however the survey recorded no Potamogeton pond weed species which had been heavily poached by cattle. As part of the GCN survey a medium sized population of toads was discovered. Toads are a declining species. As part of the GCN report, trapping of the onsite ponds prior to their removal has been identified to protect common amphibians recorded, which would allow for any toad which are found to be relocated, to a water body which would be designed to maximise value for toads and other amphibia.

8.100 The development would not adversely impact on protected species and subject to conditions would be in accordance with Policy DM6 of the SADMP DPD and the principles of the NPPF.

Impact upon Archaeology

8.101 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

8.102 The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site lies within an area of archaeological interest. The submitted archaeological desk based assessment statement notes the absence of archaeological sites on the Leicestershire HER dating from the prehistoric, Roman, Anglo-Saxon or Medieval periods recorded within the application area, but this is due to the lack of previous archaeological investigations in the area. There are a number of recorded sites in the vicinity of the application area, including scatters of prehistoric flint scatters from north of White House Farm and Temple Farm (MLE 6356, MLE7059 and MLE7563), a Neolithic hand axe recorded from Cliffe Hull Battle Flat (MLE7241) and an Iron Age beehive quern found to the west of Manor Farm (MLE9144). There are a number of Roman roads crossing through the local landscape of the site, including the lime of the Via Devana (MLE2687) and the route of Beveridge Lane (MLE16545) which is thought to have linked the Via Devana with settlement at Coalville. Roman pottery has been found at White House Farm and Manor Farm and this is considered to be good evidence for associated occupation in the vicinity.

8.103 During the course of the application the applicant commissioned a geophysical survey of the western part of the application site. Prehistoric remains do not provide strongly magnetic responses however and prehistoric sites are rarely detected through geophysical survey alone, and the results should therefore be confirmed by a follow up. Whilst not being particularly conclusive, the survey has indicated the presence of a number of sub-surface anomalies which have been classified as being of uncertain, but possible archaeological origin, which would require further investigation. The most significant being located in field 3 towards the eastern area, where there is a scatter of pit like anomalies across the site, which would require further evaluation.

8.104 A large component of the western part of the application area has been considerably built up with made ground, to the depths of between 1 – 4 metres across the majority of the site, the made up ground consists of arising's derived from the Quarry situated to the north. The fields to the south of the site are undisturbed and to the east. Given the likely reduction of the potential

archaeological impacts of the scheme, brought about by the extent and depth of the modern overburden that is present across the site, it is considered that the archaeological implications of the scheme could be managed by way of condition.

- 8.105 The traditional farm buildings is, or has the potential to constitute a non-designated heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2). The proposal would involve the demolition of existing building on site for the redevelopment of the land for industrial uses. Historic mapping indicates that there have been buildings on the site of Wood Farm at least as far back as the Enclosures Act 1779, and the extent to which early buildings may still exist as part of the present farm complex is unknown. The application has been supported with a Historic Building Assessment, and confirms that the farmstead dates back to the mid-18th century, and that there is a complex of traditional farm buildings arranged around a central courtyard dating back to 18th and 19th centuries. It is understood that the farmhouse was demolished in the late 20th century and replaced with modern, brick-built bungalow of little intrinsic interest. The demolition of the farmhouse is considered detrimental to the integrity of the farmstead as a whole, the remainder of the courtyard plan and the early farmyard buildings have however survive in relatively intact complex. The traditional farm buildings such as these on Wood Farm are a diminishing resource within rural landscapes and retain value as an undesignated heritage asset.
- 8.106 Policy DM12 of the SADMP requires development proposals to make every effort to retain the significance of locally listed heritage assets and paragraph 197 of the NPPF states that in weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The retention of what would be redundant farm buildings within the development site is not considered practical or achievable given the scale and siting of the new units and associated servicing including car parks. Although the proposal would lead to the total loss of the farm buildings the significant level of public benefits provided by the proposal is considered to outweigh the harm caused by their total loss. Partial mitigation for their loss could be provided through a programme of historic building recording.
- 8.107 As such a condition is considered reasonable and necessary to require the applicant to complete an appropriate level of building recording prior to their loss, to record and advance the understanding of their significance in a manner proportionate to their importance in accordance with paragraph 199 of the NPPF. This will require provision by the applicant for a level of building recording, to equate with a Level 3 'Analytical Survey', as specified in Historic England's Understanding Historic Buildings. A Guide to Good Recording Practice, HE 2016). The record will comprise an introductory description followed by a systematic account of the building's origins, development and use. It will include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It will also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Consideration should be given to appropriate survey equipment to address the particular requirements of the structure or structures to be surveyed (e.g. conventional survey, photogrammetry, laser scanning, etc.).
- 8.108 As such subject to the inclusion of conditions as discussed above, the development would not result in a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

Noise and Pollution

- 8.109 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.110 The application has been accompanied with a Soils and Agricultural Quality Study, Phase 1 Ground conditions report and Noise Impact Assessment.
- 8.111 Due to the nature of the application site, and the presence of overhead cables which run across the main site, a portion of the site has not been assessed in terms of land contamination and would therefore require further investigation. The submitted assessment details that further monitoring would be required into ground gas. Given the residential element of the proposed farmstead and associated curtilage with the proposed dwelling the proposed new farmstead would also require further investigation. Therefore Environmental Health (Pollution) have no objection in terms of land contamination subject to the imposition of condition relation to further investigation to ensure the safe development of the site.
- 8.112 In terms of noise, the full and detailed impact of the proposed development would not be comprehensively known until the reserved matters stage, given the outline nature of the proposed development. The application has been accompanied by a Noise Impact Assessment, which identifies that a potential adverse effect is likely at sensitive locations from operational noise; however it goes on to state that it would be deemed unlikely to result in intrusive at such location.
- 8.113 Consideration has been had in respect of further reducing noise through the formation of bunding being maximised for service yards of units 2 and 3, and ensuring service yards are facing away from the direction of residential properties. As the application is outline, the detailed layout is subject to further approval, the indicative layout which accompanies this application demonstrates that three units can be catered for on site, when having regard to the constraints of the site. In terms of the bunding, although the scheme does include some mitigation bunding and is a matter which has been assessed by the Noise Impact Assessment. The assessment identifies that an additional screen to the south east of unit 3 had been investigated, and the results were found that it would only reduce the noise levels by less than 0.1db at the closest property receptors. Therefore the additional screening was concluded to not have enough effect in addition to the levels at R4 and R5 (Stanton Lane and Proposed Replacement Farmstead) which were around 32-35db and low already.
- 8.114 Therefore subject to conditions and detailed design at the reserved matters stage the proposed development would accord with Policy DM7 of the Site Allocations and Development Management DPD.

Drainage

- 8.115 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.116 The application site is located to the south east of the B585 West Lane. The site is bound to the north by woodland and Stanton Lane to the south. A Power Transmission and Distribution site is located to the south east of the application site. The site is located within Flood Zone 1, being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. During the course of the application additional information has been provided on the request of the LLFA.

- 8.117 The Environment Agency (Surface Water) flood maps also shows that the site is very low risk of flooding. There have been no records of historic flooding on the site, the Lead Local Flood Authority does have records of an incident in close proximity to the site. This incident consisted of the flooding of a public right of way (R18) due to a blockage to the drainage system/watercourse within Horse pool Grange industrial estate.
- 8.118 The topographical survey identifies that the site slopes from north to south and west, with levels between 193.032 AOD and 160.36m AOD. There is an unnamed ordinary watercourse location to the south of the application site which flows in a southerly direction, with an outfall into the Rothley Brook. The existing site and much of the surrounding area to the south and south east of the site drains into the Rothley Brook. Having regard to the topographical survey and the risk from surface water flooding plans, the areas at risk are those which coincide with existing land drainage features across the site, which are low lying.
- 8.119 The application has been accompanied by a proposed drainage strategy that includes the use of SUDs which restrict the discharge to the equivalent current greenfield run off rate, with 40% allowance for climate change. Discharge rate from the site would not exceed QBar runoff rates via the attenuation ponds up to the 1 in 100 year return period including a 40% allowance for climate change events in respect to the outline scheme.
- 8.120 The drainage strategy for the proposed farmstead seeks to discharge surface water into an adjacent ditch and provides full details demonstrating the water drainage network which are considered acceptable by the LLFA. The submitted strategies demonstrates that the site would be feasible to be drained adequately without risk to surrounding area nor would it exacerbate flooding from the development.
- 8.121 The proposed foul water drainage would be discharged to the STW public foul sewer via existing connection to the rising main installed at the Battleflat development, which is situated on the opposite side of West Lane.
- 8.122 The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. The Environment Agency have no formal comments, as there is no fluvial flood risk concerns, nor environmental constraints.
- 8.123 The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Planning Obligations

- 8.124 Policy DM3 of the adopted SADMP requires development to contribute toward the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.125 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained with the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requires they need to be necessary to make the whole development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Highways and Transport

- 8.126 LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- 8.127 LCC (Highways) have requested a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new employees from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. The applicant has been supported by an updated Framework Travel Plan, which details that the applicant would propose to provide employees with a six month bus pass as opposed to a three month bus passes. It also proposed that a STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 would also be sought and provided.
- 8.128 Consideration has been given to the provision of a bus service, in regards to the rerouting of a bus service past the application site, however the applicant would be required to contribute towards Coalville Transport Strategy, which would include for funding of new bus services. A financial contribution towards the Coalville Transportation Strategy would mitigate the wider impacts of the development upon and along the A511 corridor, specifically junctions at:
- A511 Bardon Road/Beveridge Lane roundabout
A511 Shaw Lane/Copt Oak Road/ Stanton Lane roundabout
A511 Bardon Road/ Regs Way/Grange Road
A511 Stephenson Way/Bardon Road roundabout
- 8.129 The financial contribution towards the Coalville Transportation Strategy would be calculated having regard to the quantum of the development, and the final sum will be reported by way of late item. However the application would have direct impact upon the A511 and therefore a contribution towards the transport strategy would mitigate the impact of the proposed development.

Local Employment Strategy

- 8.130 To support and raise the level of local skill set within the workforce, the applicant will seek to promote local employment opportunities and where possible encourage and facilitate learning, through the provision and agreement of a Local Employment Training Strategy. This will commit by way of a Section 106 to provide young people with a chance to gain value site and project related experience, specially targeting the unemployed Hinckley and Bosworth Borough Council residents and job seeking local students. This seeks to maximise the labour pool so that local unemployed people and local job seeking students have access to available job opportunities. The applicant would work in partnership with Hinckley and Bosworth Borough Council to facilitate this economic regeneration, ensuring vacancies and recruitment exercises are advertised in the context.

Planning Balance

- 8.131 The application site is situated outside any defined settlement boundary and therefore in the countryside. The proposed development has demonstrated that it would significantly contribute to the economic growth and job creation, however this would result in some harm to the countryside and therefore in conflict with Policy DM4 of the SADMP, and therefore weighs against the development.
- 8.132 The proposed development, due to its commercial floor space (approx. 89,200sqm) would bring economic benefits, with the equivalent of 1200 FTE jobs forecasted across the application site, which is considered significant. On site employment

would also support a range of job roles across a number of occupations, with the logistics sector supporting a range of roles of different skill levels. 25% of all jobs in logistics can be qualified as high skilled, as well as increasing the demand for upskilling of current and future workforce. Furthermore based on an assumed two year construction period it is estimated that the application would support approximately 450 construction jobs. The proposed development would have an estimated construction expenditure of approximately £63 million, as well as a continued wage when completed and operational, with a higher than average yearly salary. When using the average rateable values for distribution uses within the Borough it is also estimated that the development would generate around £1.3 million annual business rate revenue.

- 8.133 The economic benefits of the proposed development could by virtue of the jobs created, also encourage new residents and employees to the Borough who would in turn support the local services and facilities which would also benefit the existing local economy. The proposed development is also located in close proximity to a strategic road network (A511 and the M1 Corridor) which offers accessibility to the regional and national supply chain and consumer markets.
- 8.134 The latest available census (2011) shows around 54% of all residents working in transport and storage nationally travelled up to 10km for work, and it is therefore considered that the proposed development is likely to be staffed by residents in the immediate locality. There is also identified existing businesses in the locality which require new premises to allow expansion, and are a known local employer. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Further to this, paragraph 80 of the NPPF states that 'significant weight' should be given to the need to support economic growth and productivity, which should allow each area to build on its strengths and counter any weaknesses.
- 8.135 The proposed development, although is situated within the countryside, is not situated within the designated landscape and as such the harm identified is limited to a local level of harm, and the proposed development has been designed to respond to minimise these effects. It has been concluded that there would be minor moderate harm to the character of the area caused by the landscape and visual impact built development in this location. The proposal would include the demolition of the existing farmstead and its relocation; however the impact of this in terms of landscape harm would be limited to localised harm.
- 8.136 The proposed development also offers some environmental benefits such as additional planting through landscaping, National Forest Planting as well as a community woodland with 50% of the application area being proposed for landscaping, proposed footpath network improvements, and biodiversity benefits. This includes reinforcement and new planting of hedgerow and trees around the site and the provision of SUDs which can be designed to include benefits to biodiversity. The proposed development provides mitigation against the impact of development upon Ecology. Where negative effects have been identified in terms of species and habitats, mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run off. It is considered that the proposed mitigation provided will off set any harm that may be caused. The proposed development would also bring forward solar PVs to be included within its design and charging points, responding to the current climate change in moving towards more sustainable types of harvested energy.
- 8.137 The proposed buildings although large in scale would take time to assimilate into the landscape from certain viewpoints, and would remain permanent features from

others. However the proposed development would where possible use the typology of the site, combined with the design and layout of the proposed units with a robust and carefully design landscape strategy to mitigate and aid its assimilation. The most notable impact would be confined to its immediate context, however this would be seen against the backdrop of the wider commercial uses, and softened with the retention of existing boundary treatment and its reinforcement. The proposed farmstead, would be situated further east, and physically separated from the employment development, and are buildings you would expect in the countryside.

- 8.138 The existing farm buildings on site have the potential to constitute a non-designated heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2). Policy DM12 of the SADMP requires development proposals to make every effort to retain the significance of locally listed heritage assets and paragraph 197 of the NPPF states that in weighing applications that directly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The retention of what would be redundant farm buildings within the development site is not considered practical or achievable given the scale and siting of the new units and associated servicing, including car parks. Although the proposal would lead to the total loss of the farm buildings the significant level of public benefits provided by the proposal is considered to outweigh the harm caused by their total loss. Partial mitigation for their loss could be provided through a programme of historic building recording.
- 8.139 Therefore when the harm of the proposed development and relocation of the existing farmstead is weighed against the significant economic benefits of the development, these benefits would outweigh this acknowledged harm to the countryside. As such whilst there is a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, as well as the landscaping mitigation, the biodiversity mitigation, National Forest Planting and improved footpath networks and the absence of harm when considered against other policies of the development plan, outweigh the harm to the open countryside and the loss of the existing farm buildings.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights,

specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development would provide significant economic benefits in the form of the development of an employment site, where there is an identified short term need to meet the market, and due to the scale and size of the proposed development the applicant has demonstrated there are no other suitable alternative sites. The application has demonstrated that it meets the requirements as set out by Policy DM20.
- 10.3. The development would result in harm to the character of this rural location and the loss of the existing farmstead which is a potential non designated heritage asset; however this is weighed against the significant economic benefits of the development. The economic benefits are considered to outweigh this acknowledged harm to the countryside. As such whilst there is a degree of conflict with criterion i of Policy DM4 of the SADMP, other material consideration, including the economic benefits of the proposed development, as well as the landscaping mitigation, the biodiversity mitigation, National Forest Planting and improved footpath networks and the absence of harm when considered against other policies of the development plan, outweigh the harm to the open countryside.
- 10.4. In relation to other matters subject to adequate mitigation against the adverse impacts upon the National and Charnwood Forest, the open countryside and noise pollution and the application of necessary conditions and obligations relating to Highways, Drainage, Ecology, Pollution and design all other material considerations have been found to be satisfactory and do not weigh against the development proposal.
- 10.5. Therefore, the proposal is in accordance with Policies 21 and 22 of the Core Strategy (2009), Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17, DM18 and DM20 of the Site Allocations and Development Management Policies DPD as well as the overarching principles of the NPPF.
- 10.6. The application site is situated outside any defined settlement boundary and therefore in the countryside and would result in some harm to the countryside and therefore in conflict with Policy DM4 of the SADMP. The previously refused scheme had one reason for refusal which related to the harm upon the National and Charnwood Forest and the adverse impact upon the intrinsic value, beauty and landscape character of the rural location. The scheme has been amended and provides the incorporation of a community woodland and a significant amount of landscaping reducing the overall developable floor space and therefore its impact, therefore addressing the reason for refusal and does not introduce any new material considerations or identifiable harm.
- 10.7. The proposed development has demonstrated that it would significantly contribute to the economic growth and job creation and provide environmental benefits in an absence of harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm identified to the open countryside.

10.8. Therefore in this instance, material considerations indicate that the benefits of the scheme outweigh any identified harm and should therefore be approved.

11. Recommendation

11.1 **Grant planning permission** subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
- Coalville transportation infrastructure strategy contribution;
- Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development;
- One travel pack per employee from first occupation;
- One six month bus pass per employee if requested;
- Sustainable Travel Accreditation and Recognition Scheme monitoring fee;
- Retention of the community woodland area within the scheme, commitment to management and ongoing public access.
- Planning conditions outlined at the end of this report

11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4 **Conditions and Reasons**

Outline conditions

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

2. No development shall be commenced, with the exception of site clearance and enabling works, and provision of a construction access, until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

have been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies

DM1 and DM10 of the adopted Site Allocations and Development Management

Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan. Dwg No 30865-PL-201C
Primary and secondary access arrangements ADC 1984-DR-006 Rev P5
Development Parameters Plan Dwg No. 30865-PL-202U

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The first reserved matters application shall include a masterplan for the whole of the application site setting out indicative details of site layout, areas of open space, landscaping and National Forest planting, density parameters and scale, as well as details of any proposed phasing of development. The masterplan shall be in accordance with the approved Parameters plan. All development of the site shall thereafter be carried out in accordance with the agreed phasing and timetable details.

Reason: To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. The first reserved matters application shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area in accordance with the ecology mitigation strategy by Lockhart and Garratt Ecology summary report V4. This shall include proposals in respect to the siting of proposed bat and swallow house, and a future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.

6. Prior to any development above foundation slab level, on each phase, representative samples of the types and colours of materials to be used on the external elevations of the development in that phase hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall take place within each phase of development, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:
 - The means of access and routing for demolition/ ground work and construction traffic
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Location of Contractor compound(s)

- Hours of construction
- Wheel washing facilities
- Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- Temporary highway works
- Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination during construction
- Details of protecting the air quality of the surrounding area
- Details of how the above will be monitored and a procedure for the investigation of complaints.
- The management of surface water during the construction of the development. Details should demonstrate how surface water will be managed to prevent flood risk during the various construction stages. This shall include any temporary attenuation and controls.
- Details of how PROW immediately adjacent and within the site will be protected and managed during the construction process.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

Reason: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

8. The development approved by this permission shall be implemented in accordance with the recommendations set out within the submitted Ground Investigation report, dated 6th November 2019, ref. DAP/28384, unless agreed in writing by the Local Planning Authority. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. With the exception of site clearance and enabling works, and provision of a construction access, development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) and in general accordance with the submitted Flood Risk Assessment and Drainage Statement (Issue 5), have been submitted to and approved in writing by the local planning authority. This must include details in relation to the long term maintenance of the SuDs with details of routine maintenance, remedial actions and monitoring of the separate elements of the system, and

procedures that must be implemented in the event of pollution incidents within the development site. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

11. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship between the buildings, and the wider countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

12. No demolition/development shall take place/commence until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies.

13. No part of the development hereby permitted shall be brought into use for any purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless or its replacement:
 - i. As assessment of any associated odour impact on nearby dwellings and a scheme of mitigation
 - ii. (If applicable) has been submitted to and agreed in writing by the Local Planning Authority; and
 - iii. Any relevant scheme mitigation agreed under (i) above has been implemented in full in accordance with the agreed details.

Reason: To ensure development does not have an adverse impact on the amenities of surrounding properties terms odour to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. Any reserved matters application shall include details of any externally sited sprinklers, tanks, pump houses, bin storage areas, smoking shelters, electricity sub stations or other plant, equipment or structures. The details shall include the siting and appearance.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM4 and DM10 of the Site Allocations and Development Management Plan Policies DPD.

15. Details of any external lighting on site shall be submitted for each unit prior to first occupation of any unit hereby approved. This shall include a layout plan with beam orientation and schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installing, maintained and operated in accordance with the approved plans prior to first use of any unit hereby approved.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

16. Any reserved matters application shall include details and locations of charging points and solar panels.

Reason: In the interests of sustainable development, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

17. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2018).

18. Any reserved matters application submitted under this permission shall be accompanied by a noise assessment to confirm the need, for, and extent of further noise mitigation measures and any such measures shall be installed prior to the first use of the units covered by the reserved matters application.

Reason: To ensure development does not have adverse impact on the amenities of surrounding properties to accord with Policy DM7 and DM10 of the Site Allocations and Development Management DPD.

19. No part of the outline development hereby permitted shall be used until such time as the primary and secondary access arrangements shown on ADC drawing number ADC1984-DR-006 Rev P5 have been implemented in full,

unless agreed in writing with the Local Planning Authority. The visibility splays, once provided, shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with Policy DM17 and DM10 of the Site Allocations and Development Management DPD.

20. The new vehicular access hereby permitted as part of this outline scheme shall not be used for a period of more than one month from first being brought into use, other than for construction, unless all existing vehicular accesses on West Lane and Stanton Lane that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

21. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 60 metres of the highway with West Lane and 20 metres of the highway boundary with Stanton Lane.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

22. No unit hereby permitted shall be occupied until a full Travel Plan in respect for each unit which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan for that unit shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

23. No part of the development hereby approved shall be brought into use until such a time as the off site works being the pedestrian footway linking the site to the existing provisions is carried out and completed in accordance with Dwg No. ADC1984-DR-006 Rev P5.

Reason: To mitigate the impact of the development in the interests of highway safety to accord with Policy DM17 and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

Full Conditions

24. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

25. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan- Dwg No 30865-PL-201C
General Arrangement Plan - Dwg no. E19-29- 018 Rev A
Farm Relocation Site - Site Layout Drg No: E19-29-018 Rev: A
Bin Store Location Plan
Farm Buildings Cattle Shed 1 Dwg No.E19-29-071
Farm Buildings Cattle Shed 1 Floorplan Dwg No.E19-29-071.1
Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Cattle Shed Building 3 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Grain Store Building 4 Elevations & Floorplan Dwg No.E19-29-074
Farm Buildings Farm Workshop Building 5 Elevations & Floorplan Dwg No.E19-29- 075 Rev A
Proposed Planning Drawing Replacement House Number One. Dwg No.19029/01
Proposed Planning Drawing Replacement House Number Two. Dwg No.19029/11a
Farm Building Layout and Sections E19-29-014
Michael W Conway Dwg No. E19-28-018 Rev A
Farm Site Bin Store Plan

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

26. The dwellings hereby permitted shall not be occupied until the agricultural Buildings and workshop, have been completed and is ready for occupation by livestock or grain in accord with Drawing Numbers:

Farm Buildings Cattle Shed 1 Floorplan Dwg No.E19-29-071.1
Farm Buildings Cattle Shed 1 Dwg No.E19-29-071
Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Cattle Shed Building 3 Elevations & Floorplan Dwg No.E19-29-073
Farm Buildings Farm Workshop Building 5 Elevations & Floorplan Dwg No.E19-29- 075 Rev A
Farm Buildings Grain Store Building 4 Elevations & Floorplan Dwg No.E19-29-074
Farm Building Layout and Sections E19-29-014

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

27. The occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or a widow or widower of such a person, and to any resident dependants.

Reason: For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

28. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure that the development preserves the intrinsic value and landscape of the countryside, in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

29. No development beyond site clearance and preparation works shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

30. The farmstead hereby permitted shall not be brought into use until such a time as the parking and turning facilities have been completed and made and available in accordance with Michael W Conway drawing number E19-29-011 and thereafter maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

31. The development hereby approved shall not be occupied until the access arrangements shown on Michael W Conway Dwg No. E19-28-018 Rev A has been completed.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

32. No part of the full development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 120 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

33. The development hereby permitted shall not be occupied until such time as the parking turning facilities have been implemented in accordance with Michael W Conway drawing number E19-29-011. Thereafter the onsite parking provision shall be maintained in perpetuity.

Reason: To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

34. Within 6 months of the development hereby approved being occupied the existing farmstead including associated dwellings and outbuildings shall be demolished, and the land cleared of any associated material.

Reason: To ensure that the development does not result in the development of unjustified buildings in the countryside to accord with Policies DM4, DM5 and DM10 Site Allocations and Development Management Policies DPD.

35. Development shall not commence until a scheme for protecting existing dwellings from odour from the proposed development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

36. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, off street parking, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

37. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

38. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

39. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

40. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

41. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs, and bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

42. The development shall be in accordance with the approved Flood Risk Assessment and Drainage Statement (Issue 4) unless agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

43. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

44. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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PLANNING APPEAL PROGRESS REPORT

Situation as at: 09.07.21

WR – WRITTEN PRESENTATIONS

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	AH	21/00590/FUL (PINS ref 3278545)	WR	Mrs Rita Morley	5 White House Close Groby (Erection of detached dwelling in side garden)	Awaiting Start Date	
	GS	21/00257/HOU (PINS Ref 3277395)	WR	Ms Joanne Hadon	Fairways Cottage Leicester Road Hinckley (Two storey rear extension)	Appeal Valid Awaiting Start Date	26.06.21
21/00017/RPAGDO	GS	21/00036/P3CQ (PINS Ref 3275468)	WR	Mr Jack Hemmings	Land And Buildings At Sibson Lane Shenton (Application to determine if prior approval is required for the conversion of an agricultural building into one dwellinghouse (C3) with associated building operations)	Start Date Statement of Case Final Comments	09.06.21 14.07.21 28.07.21
21/00021/RPAGDO	GS	21/00394/HAAGD O (PINS Ref 3274537)	WR	Mr & Mrs Ryan Jones	3 Grey Close Groby (Prior notification for construction of additional storey upon existing single storey dwelling)	Start Date Awaiting Decision	24.06.21
21/00020/FTPP	EC	21/00222/HOU (PINS Ref: 3274457)	WR	Mr Filip Florczak	2 The Green Mill Lane Sheepy Parva (Alterations to the existing dwelling incorporating a two storey front/side extension and single storey side/rear extension)	Start Date Awaiting Decision	21.06.21

	OP	20/00919/OUT (PINS Ref: 3272986)	WR	DHASC Limited	14 Chesterfield Way Barwell (Residential development for five dwellings (Outline- access and scale))	Appeal Valid Awaiting Start Date	30.04.21
21/00019/PP	JB	20/00407/HYB (PINS Ref 3274706)	PI	Wood Farm Holdings	Wood Farm Stanton Lane Ellistown Coalville (Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures)	Start Date Statement of Case Proof of Evidence Inquiry (5 days) Decision Due	14.06.21 19.07.21 21.09.21 19.10.21 22.11.21
	GS	20/00862/HOU (PINS Ref 3273173)	WR	Mr Micky Ahluwalia 10 Rosemary Way Hinckley	10 Rosemary Way Hinckley (Two storey side and rear extension)	Awaiting Start Date	
21/00016/PP	SW	20/00249/OUT (PINS Ref 3272931)	WR	Mrs Louise Ward Persimmon Homes (North Midlands) Davidson House Leicester	Land At Sketchley Farm Sketchley Old Village Burbage (Residential Development for up to 80 dwellings and associated works (Outline- access only))	Start Date Final Comments	28.05.21 16.07.21
21/00018/PP	SW	19/01405/OUT (PINS Ref 3265143)	IH	Davidsons Developments Ltd Wilson House 207 Leicester Rd Ibstock	Land North Of Deepdale Farm Lutterworth Road Burbage (Residential development of up to 135 dwellings (Outline- access only))	Start Date Statement of Case Hearing Date	11.06.21 16.07.21 04.08.21

20/00027/CLD	HK	19/01164/CLUE (PINS Ref 3246256)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00026/CLD	HK	19/00391/CLUE (PINS Ref 3238743)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00025/CLD	HK	18/01255/CLUE (PINS Ref 3238520)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20

Decisions Received

21/00012/PP	GS	20/00066/FUL (PINS Ref 3266622)	WR	Mr Rich Chapman Apricot CPS Ltd Luna View, Gorse Avenue Kingston Gorse Littlehampton West Sussex BN16 1SG	Burbage Hall 1 Aston Lane Burbage (Erection of x4 dwellings with associated landscaping, parking and alterations to existing access)	DISMISSED	22.06.21
21/00008/PP	RH	20/00102/OUT (PINS Ref 3265133)	IH	Gladman Developments Ltd Gladman House Alexandria Way CONGLETON Cheshire	Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of 19/01011/OUT)	DISMISSED	06.07.21

Designation Period 1 April 2020 - 31 March 2022

Appeal Decisions - 1 April 2020 – 30 June 2021 (Rolling)

Major Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
4	1	2	0	1	0	0	1	1	0	1	0	0	0

May – Total No of Major decisions made 53/Total No of appeals allowed 1 = 1.88%

June – Total No of Major decisions made 61/Total No of appeals allowed 1 = 1.63%

Minor/Other Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
27	9	18	0	0	6	0	18	2	0	0	1	0	0

May – Total No of all Minor/Other decisions made 913/Total No of appeals allowed 6 = 0.65%

June – Total No of all Minor/Other decisions made 1001/Total No of appeals allowed 9 = 0.89%

Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 – 31 March 2021 (Rolling)

Major Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
11	4	6	0	1	0	0	3	3	0	1	1	0	2

May – Total No of Major decisions made 90/Total No of appeals allowed 4 = 4.44%

June – Total No of Major decisions made 90/Total No of appeals allowed 4 = 4.44%

Minor/Other Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
61	21	40	0	0	15	0	39	5	0	0	1	0	1

May – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 18 = 1.05%

June – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 21 = 1.23%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
0	0	0	0	0

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